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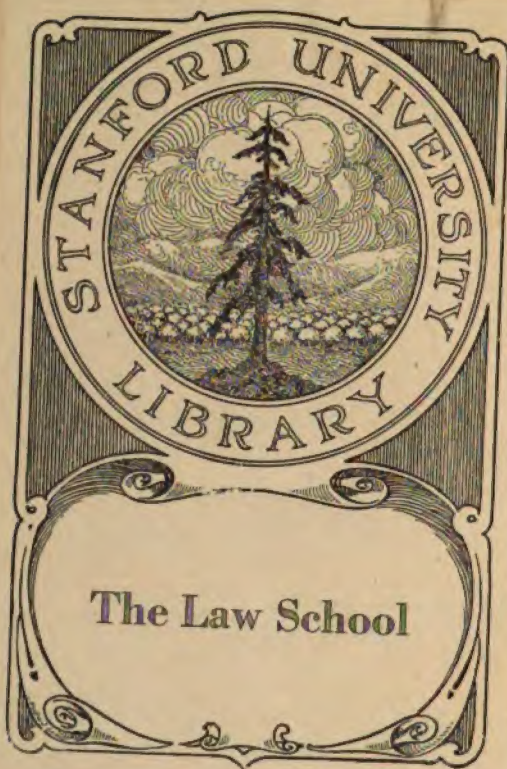
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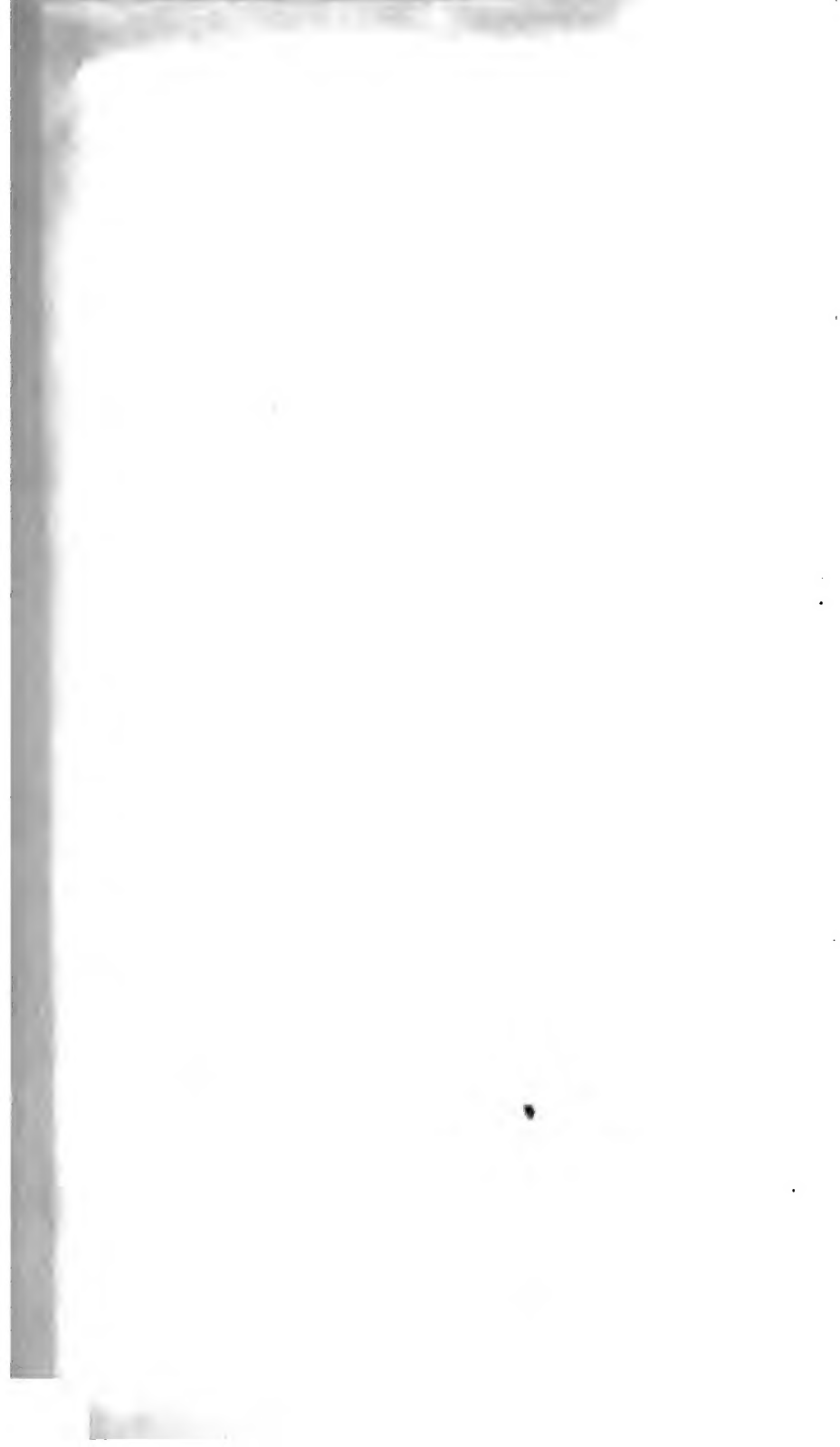
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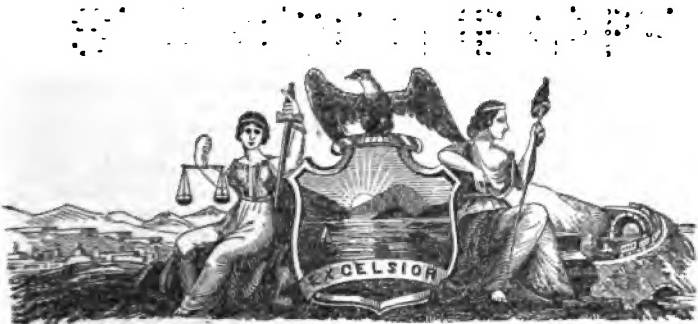
New York Collecte





L A W S
OF THE
STATE OF NEW YORK,
//
PASSED AT THE
EIGHTY-SECOND SESSION
OF THE
LEGISLATURE,

BEGUN JANUARY FOURTH, AND ENDED APRIL NINETEENTH, 1859, IN THE
CITY OF ALBANY.



ALBANY:
W. C. LITTLE & COMPANY,
LAW BOOKSELLERS, 515 BROADWAY.
1859.

CERTIFICATE.

STATE OF NEW YORK, }
SECRETARY'S OFFICE, }

Albany, May 25, 1859.

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12, 1843, I hereby certify that the following volume of the Laws of this State, was printed under my direction.

GIDEON J. TUCKER,

Secretary of State.

In this volume, "every act which received the assent of three-fifths of all the Members elected to either House of the Legislature," pursuant to Section 14, of Article 7, of the Constitution of this State, is designated under its title by the words "Three-fifths being present." [See Laws of 1847, Vol. 1, Chap. 253.]

And every "act which received the assent of two-thirds of all the Members elected to each branch of the Legislature," pursuant to Section 9, of Article 1, of the Constitution, is designated under its title by the words "By a two-third vote." [See Laws of 1842, Chap. 306.]

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AUG 2 1920

WEED, PARSONS & COMPANY, }
PRINTERS. }

LIST OF OFFICERS.

"§ 4. There shall be prefixed to each volume of the Session Laws, hereafter published, the names and residence of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office at the time of the passage of the Laws contained in such volumes."—*Laws of 1847, Chap. 458, Sec. 4.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY,
AND PRESIDING OFFICERS OF BOTH HOUSES IN OFFICE AT THE TIME OF THE
PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NEAREST POST OFFICE.
Edwin D. Morgan,	Governor, ...	Albany,	Albany.
Robert Campbell,	Lieut.-Gov., .	Steuben, ...	Bath.
Joshua B. Smith,	Senator,	Suffolk, ...	Hauppauge.
Samuel Sloan,	do	Kings,	Brooklyn.
Francis B. Spinola,	do	do	do
John C. Mather,	do	New York, .	New York.
Smith Ely, Jr.,	do	do	do
Richard Schell,	do	do	do
John Doherty,	do	do	do
Benjamin Brandreth,	do	Westchester,	Sing Sing.
Osmer B. Wheeler,	do	Orange, ...	Otisville.
George W. Pratt,	do	Ulster,	Kingston.
William G. Mandeville,*	do	Columbia, ..	Stuyvesant Falls.
John D. Willard,	do	Rensselaer, .	Troy.
George Y. Johnson,	do	Albany,	Dunnsville.
Edward I. Burhans,	do	Delaware, .	Roxbury.
George G. Scott,	do	Saratoga, ..	Ballston Spa.
Ralph A. Loveland,	do	Essex,	Westport.
William A. Wheeler,	do	Franklin, ..	Malone.
Joseph A. Willard,	do	Lewis,	Lowville.
Alrick Hubbell,	do	Oneida,	Utica.
Addison H. Laffin,	do	Herkimer, ..	Herkimer.
Cheney Ames,	do	Oswego, ...	Oswego.
James Noxon,	do	Onondaga, .	Syracuse.
John J. Foote,	do	Madison, ..	Hamilton.

* Mr. MANDEVILLE'S seat was vacated by a resolution of the Senate, March 16, 1860.

LIST OF OFFICERS.

NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NEAREST POST OFFICE.
Lyman Truman,	Senator,	Tioga,	Owego.
Alexander B. Williams,	do	Wayne,	Lyons.
Truman Boardman,	do	Seneca,	Trumansburgh.
Alexander S. Diven,	do	Chemung, ..	Elmira.
John E. Paterson,	do	Monroe, ...	Parma Centre.
Horatio J. Stow, *	do	Niagara, ...	Lewiston.
John B. Halsted,	do	Wyoming ..	Castile.
Erastus S. Prosser,	do	Erie,	Buffalo.
John P. Darling,	do	Cattaraugus	Cattaraugus.
Chauncey M. Abbott,	Assemblyman	Cayuga, ...	Niles.
Lucius C. Andrus,	do	Kings,	Brooklyn.
Orrin Aylworth,	do	Onondaga, .	Fabius.
Marsena Baker, †	do	Cattaraugus	Farmersville.
George S. Batcheller,	do	Saratoga, ..	Batchellerville.
Anson Bingham,	do	Rensselaer, .	Nassau.
Henry Bliss,	do	Chautauque,	Sherman.
Chauncey Boughton,	do	Saratoga, ..	Halfmoon.
Daniel Bowen,	do	Erie,	Buffalo.
William Briggs,	do	St. Lawrence	Ogdensburgh.
Beman Brockway,	do	Oswego, ...	Pulaski.
William Buffington, Jr.,	do	Cattaraugus	Cattaraugus.
Osborne E. Bump,	do	Broome, ...	Osborne Hollow.
Gideon E. Bushnell,	do	Sullivan, ...	Claryville.
Albert Carpenter,	do	Ulster,	Modena.
Jacob P. Chamberlain,	do	Seneca,	Seneca Falls.
John W. Chanler,	do	New York, .	New York.
Noah A. Childs,	do	do	do
Stephen S. Childs,	do	do	do
Robert Christie, Jr.,	do	Richmond, .	Biere.
Henry B. Clark,	do	Rensselaer, .	Hoosick.
William Cobb,	do	Allegany, ...	Spring Mills.
Noah M. Coburn,	do	Madison, ...	Stockbridge.
James J. Coit,	do	Oswego, ...	Central Square.
Thomas Coleman,	do	Rensselaer, .	Troy.
Lorenzo D. Collins,	do	Albany,	West Troy.
Frederick A. Conkling,	do	New York, .	New York.
Richard J. Cornelius,	do	Suffolk,	Amityville.
Patrick C. Costello,	do	Oneida,	Camden.
Henry Creble,	do	Albany,	Feura Bush.
Wickham R. Crocker,	do	Steuben, ...	Cameron.
Joseph Davis,	do	Orange,	Middletown.
Harmanus B. Duryea,	do	Kings,	Brooklyn.
David Earll,	do	Tioga,	Tioga Centre.
Abel Eveland,	do	Steuben, ...	Bradford.
Samuel J. Farnum,	do	Dutchess, ...	Poughkeepsie.
Morgan L. Filkins,	do	Albany,	Albany.
Michael Fitzgerald,	do	New York, .	New York.
Furman Fish,	do	Jefferson, ..	Cape Vincent.
Samuel W. Fuller,	do	Livingston, .	Conesus Centre.
Thomas Gardiner,	do	Kings,	Brooklyn.
Harlow Godard,	do	St. Lawrence	Richville.

* Deceased, and GEORGE D. LAMONT elected to fill vacancy. † Deceased.

LIST OF OFFICERS.

5

NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NEAREST POST OFFICE.
William Gover,	Assemblyman	New York, .	New York.
Judson L. Grant,	do	Chenango, .	Smithville Flats.
Henry K. Graves,	do	Wayne,	South Butler.
Solomon Graves,	do	Herkimer, .	Gravesville.
Lester Green,	do	do	Danube.
Monroe Hall,	do	Essex,	Jay.
Henry P. Heermance,	do	Columbia, ..	Glencoe Mills.
Arthur Holmes,	do	Cortland, ..	McGrawville.
Elias C. Holt,	do	Wyoming, .	Bennington.
Gaylord B. Hubbell,	do	Westchester	Sing Sing.
Almanzor Hutchinson,	do	Orleans, ...	Gaines.
George A. Jeremiah,	do	New York, .	New York.
Barna B. Johnson,	do	Delaware, ..	Downsville.
John S. King,	do	Erie,	Williamsville.
Abraham D. Ladew,	do	Ulster,	The Corner.
John A. Laing,	do	Wayne,	Marion.
William C. Lamont,	do	Schoharie, .	Charlotteville.
Samuel A. Law,	do	Delaware, ...	Meredith.
Edward A. Lawrence,	do	Queens, ...	Flushing.
De Witt C. Littlejohn,	do	Oswego, ...	Oswego.
Alfred Lockhart,	do	Allegany, ...	Angelica.
George F. Longenhelt,	do	Otsego, ...	South Valley.
Edward Loomis,	do	Oneida, ...	Westmoreland.
Lyman B. Lyon,	do	Lewis,	Lyons Falls.
Harrison A. Lyon,	do	Monroe,	Brighton.
James Mackin,	do	Dutchess, ..	Fishkill Landing.
Augustus B. Macomber,	do	Greene,	Windham Centre.
James H. Mallery,	do	Orange, ...	Newburgh.
Peter Masterson,	do	New York, .	New York.
Isaac D. Mekeel,	do	Schuyler, ..	Searsburch.
James McLeod,	do	New York, .	Harlem.
Robert L. Meeks,	do	Queens, ...	Jamaica.
Abraham Messerole,	do	Kings, ...	Brooklyn.
Henry B. Miller,	do	Erie,	Buffalo.
Marquis D. Moore,	do	Kings, ...	Brooklyn.
Daniel Morris,	do	Yates,	Rushville.
Elbridge G. Moulton,	do	Genesee, ...	Alexander.
James M. Northup,	do	Washington,	Hartford.
George Opdyke,	do	New York, .	New York.
Sidney E. Palmer,	do	Chautauque,	Vermont.
Grant B. Palmer,	do	Chenango, .	Columbus.
Martin L. Parlin,	do	Franklin, ..	Malone.
William W. Payne,	do	Cayuga, ...	Auburn.
Edwin A. Pelton,	do	Putnam, ...	Cold Spring.
Elisha Pendell,	do	Warren, ...	Athol.
Alphonso Perry,	do	Monroe,	Clarkson.
Lewis W. Pierce,	do	Clinton, ...	Plattsburgh.
John T. Plato,	do	Steuben, ...	Jasper.
Elias Pond,	do	Monroe, ...	Rochester.
Shotwell Powell,	do	Ontario, ...	Naples.
Luke Ranney,	do	Onondaga, .	Elbridge.
James J. Reilly,	do	New York, .	New York.
Simeon Rider,	do	Madison, ...	De Ruyter.

LIST OF OFFICERS.

NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NEAREST POST OFFICE.
Wilson Rogers,	Assemblyman	Erie,	Collins.
James C. Rutherford,	do	New York, ..	New York.
Charles M. Scholefield,	do	Oneida,	Whitesboro'.
James S. See,	do	Westchester	Tarrytown.
John J. Shaw,	do	New York, ..	New York.
Oscar F. Sheppard,	do	St. Lawr'nce	Lawrenceville.
Henry W. Slocum,	do	Onondaga, .	Syracuse.
Jacob L. Smith,	do	New York, .	New York.
Jeremiah Snell,	do	Montgomery	Port Jackson.
Charles S. Spencer,	do	New York, .	New York.
Henry W. Spencer,	do	Ful. & Ham.	North Broadalbin.
Patrick S. Stewart,	do	Jefferson, ..	Carthage.
David B. St. John,	do	Otsego,	Edmeston.
Edmond Snyder,	do	Ulster,	Rondout.
James Sweeney,	do	Niagara, ...	Tonawanda.
Didymus Thomas,	do	Oneida,	Remsen.
Charles Thomas,	do	Schenectady	Schenectady.
Andrew Thompson,	do	Washington.	Greenwich.
Theodore E. Tomlinson,	do	New York, .	New York.
Franklin Tuthill,	do	Kings,	Brooklyn.
Augustus Van Cortland,	do	Westchester	South Yonkers.
Burt Van Horn,	do	Niagara, ...	Newfane.
James G. Van Volkenburgh,	do	Columbia, ..	Chatham Centre.
Ulysses Warner,	do	Ontario,	Orleans.
Russell Weaver,	do	Jefferson, ..	Brownville.
Wesley J. Weiant,	do	Rockland, ...	North Haverstraw.
Benjamin F. Wiggins,	do	Suffolk, ...	Greenport.
John Wiley,	do	Livingston, .	Springwater.
Joseph Wilson,	do	Kings,	Brooklyn.
Peter Wintermute,	do	Chemung, .	Horseheads.
William Woodbury,	do	Tompkins, .	Groton.
Christian B. Woodruff,	do	New York, ..	New York.
William A. Young,	do	Albany, ...	Albany.

PRESIDING OFFICERS AND CLERKS.

NAME.	OFFICE.	RESIDENCE.	
		COUNTY.	NEAREST POST OFFICE.
Robert Campbell,	President of the Senate,	Steuben, ...	Bath.
De Witt C. Littlejohn,	Sp'ker of the Assembly, ..	Oswego, ...	Oswego.
Samuel P. Allen,	Clerk of the Senate, ...	Monroe, ...	Rochester.
William Richardson,	Clerk of the Assembly, ..	Albany,	Albany.

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
EIGHTY-SECOND REGULAR SESSION OF THE LEGISLATURE, BEGUN
THE FOURTH DAY OF JANUARY, AND ENDED THE
NINETEENTH DAY OF APRIL, 1859,
AT THE CITY OF ALBANY.

Chap. 1.

AN ACT to regulate the supply of stationery to members and officers of the legislature.

Passed January 12, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The clerks of the senate and assembly shall, when requested by any senator, or member of the house of assembly, or any officer or reporter or other person attached to or employed by the senate or assembly who shall be entitled by law to receive an allowance for stationery and newspapers, furnish to such person such stationery or newspapers as he shall require, to an amount not exceeding thirty dollars.

Clerks to furnish stationery and newspapers

SECTION 2. When requested by any such person specified in the preceding section, the clerk shall draw an order for such newspapers as the individual may designate, upon

Clerk to draw an order, &c.

the publishers or venders of the same, as is now the custom; and if requested by the aforesaid persons, the clerk shall issue to such person an order, upon such stationer or bookseller as the person shall designate, for stationery to such an amount as such person may require, to an amount which, when added to the price of the newspapers received by such senator, member or officer, or other person aforesaid, shall not exceed the sum of thirty dollars.

Order to be
a voucher
for clerk.

SECTION 3. The order, mentioned in the last section returned to the clerk accompanied by a certificate of the person in whose favor the same was drawn, that he has received the amount of the stationery mentioned in the order from the stationer or bookseller named therein, shall be a sufficient voucher to the clerk, and from him to the comptroller, that the same has been delivered to and received by such person.

SECTION 4. All acts and parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect immediately.

Chap. 2.

AN ACT to amend chapter five, part second of the Revised Statutes.

Passed January 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirty, article seven, chapter five, title one, part two of the Revised Statutes is hereby amended so as to read as follows :

All debts and dues to this state, except for taxes, and for money received or collected by any person as a public officer, or in a fiduciary capacity, shall be affected by proceedings under this title in the same manner as debts to individuals, and debtors may be discharged and exonerated from imprisonment in suits brought in the name of the state in the same manner as in suits by individuals (except for money received or collected as aforesaid), and

in such case whenever it shall be necessary to serve any notice upon plaintiffs, according to the provisions of this title, the same may be served on the attorney-general, who shall, in all proceedings under this title, represent the state.

§ 2. This act shall take effect immediately.

Chap. 3.

AN ACT to authorize John N. Hungerford to sell and convey his stock and interest in the Geo. Washington Bank.

Passed January 21, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for John N. Hungerford to sell and convey to George W. Patterson, Jr., all his stock and interest in the Geo. Washington Bank; and the said Patterson is hereby authorized to continue the business of banking under the name of the Geo. Washington Bank.

§ 2. The said John N. Hungerford and George W. Patterson, Jr., shall continue to be jointly and severally liable for the payment of all debts due from the said bank, contracted prior to the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 4.

AN ACT to legalize the acts of the assessors of the village of Wolcott, in making and completing the assessment roll of said village, May 25th, 1858. -

Passed January 27, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The assessment of property in the village of Wolcott, in the county of Wayne, and the completion of the assessment roll of said village, on the twenty-fifth day of May, one thousand eight hundred and fifty-eight, shall be of the same force and validity as if the assessors of said village had complied, in all respects, with the provisions of law respecting the assessment and collection of taxes.

SECTION 2. This act shall take effect immediately.

Chap. 5.

AN ACT in relation to the town meeting in the town of Cicero, in the county of Onondaga.

Passed February 3, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The next town meeting of the town of Cicero, in the county of Onondaga, to be held for the election of town officers shall be held on the third Tuesday in February next, at the house of N. C. Frary, in Cicero village.

SECTION 2. The place for holding such town meetings shall hereafter be determined by vote of the electors of the town, such vote to be by ballot.

SECTION 3. This act shall take effect immediately.

Chap. 6.

AN ACT in relation to the Oneida county poor-house.

Passed February 9th, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of Oneida county are hereby authorized, by a vote of two-thirds of all the supervisors elected, to change the location of the poor-house, in said county, from its present site to such other location as they may deem proper.

SECTION 2. The said board of supervisors, by a vote of two-thirds of all the supervisors elected, are authorized to sell and dispose of all and singular, the poor-house farm and its appurtenances, situate near the village of Rome, upon such terms as they shall deem advisable in case they shall decide to change the site thereof.

SECTION 3. The said board of supervisors, by a vote of two-thirds of all the supervisors elected, are hereby authorized to purchase a farm in some suitable locality within the county of Oneida, on which they may cause to be erected buildings and structures for the accommodation of the poor of said county.

Chap. 7.

AN ACT to change the name of Clarissa Sadler to Clarissa Woodford.

Passed February 9th, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Clarissa Sadler, of the town of Bennington, county of Wyoming, is hereby changed to Clarissa Woodford, by which name she shall hereafter be designated and known.

SECTION 2. This act shall take effect immediately.

Chap. 8.

AN ACT to amend the articles of association of the Mutual Bank, Troy.

Passed February 11th, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of directors of the Mutual Bank, Troy, shall not consist of less than nine, as now, nor more than thirteen, to be determined and fixed by the present board of directors, and to be filled by it in the manner provided in case of vacancy, and thereafter to be elected as provided by the articles of association of said Mutual Bank, and a majority of such directors, to be determined and fixed, shall constitute a quorum for the transaction of business.

SECTION 2. This act shall take effect immediately.

Chap. 9.

AN ACT to change the name of Margaret Skivington to Winnie Alida Ostrander.

Passed February 12th, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Margaret Skivington is hereby changed to Winnie Alida Ostrander, by which name she shall be hereafter designated and known.

§ 2. This act shall take effect immediately.

Chap. 10.

AN ACT to amend an act entitled "An act to revise, amend and consolidate the several acts relating to the village of Whitesborough."

Passed February 12th, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

TITLE I.

OF THE BOUNDARIES OF THE VILLAGE.

SECTION 1. All that part of the town of Whitestown, Boundaries. in the county of Oneida, which is contained in the following bounds, to wit: Beginning on the south bank of the Mohawk river, at the mouth of the Sadaquada creek; thence running southerly up the said creek, as the same winds and turns, to a point where the same intersects the southerly bound of said village; thence northwesterly along said southerly bound of said village, to the southeast corner of the house lot of Arthur Breeze; thence northerly to the intersection of the road leading from the house of Jesse Dodge to the old Genesee road; thence northerly until the line strikes a point on the west side of the main road leading from said village of Whitesborough to Rome, where the west line of the Sadaquada patent intersects said road; thence northerly on the line of said patent to the Mohawk river; thence down said river, as it winds and turns, to the place of beginning, shall be hereafter known and distinguished by the name of "the village of Whitesborough;" and the inhabitants residing within the bounds aforesaid shall be a body politic and corporate by the name aforesaid, the bounds aforesaid being the same, and containing within them the same territory as existed and was contained therein and in said village prior to the passage of this act. Nothing in this section, or in this act contained, shall compel the said village to construct or maintain the highway bridges within the bounds aforesaid, but they shall continue to

be constructed and maintained by the town of Whites-town, except as otherwise provided by law.

TITLE II.

OF VILLAGE OFFICERS—THEIR ELECTION AND APPOINTMENT.

Officers.

§ 2. There shall be elected hereafter, by ballot, within and for said village, by the electors residing therein, the following officers: a president of said village, five trustees, a police justice, a collector, a treasurer and a clerk. The persons so elected shall be inhabitants and electors of said village.

Annual election.

§ 3. The annual election for village officers shall be held on the first Tuesday in April in each year, at two o'clock in the afternoon, at such place within said village as the trustees shall appoint; and the polls of every such election shall remain open until four o'clock of the same day. The trustees for the time being shall preside at and be inspectors of all elections in and for said village, and certify the result thereof. The provisions of the act entitled "An act respecting elections other than for military and town officers," passed April 5th, 1842, with the amendments and additions thereto, shall be applicable to the elections held under this act, except so far as they are inconsistent with the provisions of this act.

In case of tie.

§ 4. Upon the canvass of the votes taken at any such election being completed, the inspectors thereof shall thereupon determine who, by a plurality of votes, are elected to fill the offices voted for, and shall make and subscribe a certificate thereof on the village records. In case there shall be a tie in the votes for any elective office, the trustees shall appoint a special election to be held, not less than three nor more than eight days thereafter, for the election of such officer; and the clerk of said village shall give immediate notice thereof, and of the time and place of such election, by posting written or printed notices thereof, in at least five of the most public places in said village.

Present officers.

§ 5. The present officers of said village shall hold their offices until the first board of trustees, elected under this act, shall become organized; and all officers elected under this act shall enter on the duties of their

offices on the Tuesday next following their election, and shall continue in office until the Tuesday following the next annual election of officers, and until their successors are elected and qualified. It shall be the duty of the clerk of the village to give notice of each annual election and of the place at which the same is appointed to be held, by posting, in a conspicuous place, a notice thereof in five public places in said village, at least ten days before the election. But the first election under this act shall be held on the second Tuesday of May, one thousand, eight hundred and fifty-nine; and all subsequent elections shall be held on the first Tuesday of April, in each year.

At any meeting of the electors of said village to elect village officers, or at any other meeting of such electors, legally called and held, the electors attending such meeting may, by resolution, direct the trustees to cause to be raised, by general tax upon the taxable property liable to be assessed for taxes in said village, any sum not exceeding the sum of three hundred dollars.

And the electors attending any such meeting may also, by resolution, direct the trustees to cause sidewalk to be made or repaired on any public street or road in said village, or any part of any such street or road, and in every such resolution, such street or road, or part of such street or road, and the materials with which such sidewalk shall be made or repaired, shall be specified.

§ 6. The trustees shall annually appoint a street commissioner, a chief engineer of the fire department, and two assistant engineers, who shall respectively hold their offices during the pleasure of the trustees.

Resignation of office may be made to the trustees. The removal of any village officer from the village shall vacate his office. A vacancy in any elective office, caused by removal, death, resignation, or otherwise, may be filled by the trustees by appointment, and the person so appointed shall hold the office until the Tuesday succeeding the next annual election.

§ 7. The clerk of the village shall, immediately after any election or appointment to office, as aforesaid, notify, in writing, every person so elected or appointed of his election or appointment. The several persons so elected or appointed shall, within six days thereafter, and before

General tax

Sidewalks.

Street commissioner.

Resignations.

Clerk to notify persons elected, &c.

entering on the duties of their respective offices, take the oath of office prescribed by the constitution of this state, and file the same with the clerk. Any person so elected or appointed to any office, except that of collector, treasurer, street commissioner, or police justice, who shall neglect so to do, shall forfeit, for the use of the village, the sum of ten dollars, and his office shall be deemed to be vacant. The treasurer, collector and street commissioner shall, before entering on the duties of their respective offices, each execute and file, with the village clerk, a bond in such penalty as the trustees shall require, and with such sureties as shall be approved by the president, conditioned that he will faithfully execute the duties of his office, and will duly pay over or account for all moneys received by him in his official capacity; and a neglect to file such bond within ten days after being required so to do by the trustees, shall be deemed to vacate the office of the person so neglecting.

Officers to
receive no
compensa-
tion.

§ 8. The president, trustees, treasurer, chief engineer and assistants shall receive no compensation for their services. The compensation of the clerk and street commissioner shall be determined by the trustees; but the compensation of the street commissioner shall not exceed one dollar and fifty cents for each day's actual service by him.

TITLE III.

OF THE POWERS AND DUTIES OF THE PRESIDENT.

Powers and
duties of
president.

§ 9. The president shall be the chief executive officer of the village; he shall preside at the meetings of the trustees; he shall only vote when there is a tie, but he may submit propositions for the action of the trustees; and he shall see that the provisions of this act, and the by-laws of the village, are faithfully executed, and shall receive complaints and institute prosecutions for their violation; he shall have power, and it shall be his duty, to suspend, until the next meeting of the board of trustees, the operation of any resolution or ordinance of the trustees, by his order, to be entered on the journal, with his reasons therefor, when it is in his judgment in violation of law, or appropriates money, or involves expenditures improvidently. But if, at such next or

any subsequent meeting within sixty days thereafter, on reconsideration of such resolution or ordinance, a majority of all the trustees elected shall agree to pass the same, it shall take effect as a resolution or ordinance of the village; in all such cases the votes shall be determined by the yeas and nays, and the names of the persons voting for and against the passage of the measure shall be entered on the journal. The president, on behalf of the village, shall execute all leases, licenses, contracts and other papers to be executed as the act of the village, when so authorized by the trustees.

§ 10. The president shall annually, in the month of March, prepare a report of the financial transactions of the village for the previous year, showing :

Report of
president.

1. All moneys received, and from what sources.
2. All payments, specifying each item.
3. The entire indebtedness of the village, and for what purpose contracted.

§ 11. The president's report shall be submitted to a meeting of the trustees, at least ten days before the annual election.

§ 12. The president may administer oaths required by this act to be taken.

§ 13. The president shall have power and it shall be his duty to suppress riots, and to order and compel all tumultuous assemblies to disperse. And he shall have the same power for the purpose as is given by law to sheriffs in cases of resistance to process.

TITLE IV.

OF THE POWERS AND DUTIES OF THE TRUSTEES.

§ 14. The board of trustees shall hold meetings pursuant to adjournments, or upon a call by the president or any three trustees; and it shall be the duty of the president or trustees calling a meeting, to cause to be notified all the trustees, by serving the same on the trustees personally, or by leaving the same at their residence with some person of mature age on the premises. Votes upon any question shall be taken by ayes and nays, whenever required by the president or by any trustee.

Trustees'
duties.

§ 15. In the absence of the president, any one of the trustees may be appointed chairman for the time. A

majority of the board shall constitute a quorum for the transaction of business.

§ 16. It shall be the duty of the trustees, and they shall have the power:

Power of.

1. To appoint a keeper of the public hay scales, a sexton, a police constable and such other subordinate officers as they shall deem necessary; and they shall have the power to remove such officers at pleasure.

2. To provide for the care, custody and preservation of the public property, records and papers of the village.

Firemen.

3. To organize, and keep under good and efficient organization, a fire department, not to exceed eighty men, who shall be the firemen of the said village.

4. To examine all accounts and claims against the village, and allow such as are just and legal.

5. To prescribe the manner in which the treasurer shall keep the accounts and vouchers of his office, and also the manner in which the clerk shall keep the records and papers of the village, and to examine such accounts, vouchers and records from time to time, in order to detect errors therein.

Unsafe
stoves, &c.

6. To prevent the use of any unsafe fire-places, stoves chimneys, stove pipes, smoke-houses or repository of ashes, and to compel the same to be put in safe condition, and to direct and authorize the engineers, from time to time, to inspect in the day time every house and lot in the village, in relation to its security against fire.

Commissioners of
highways.

7. To exercise the powers and duties of commissioners of highways of towns within the limits of the village, so far as those powers and duties are consistent with other parts of this act, and are applicable to the village; and to direct the application of the highway taxes and labor assessed on the persons and property within the village, to the grading, planking, draining, and otherwise improving the highways, in such places within the village or leading to it, as they may deem best, and also direct the application of a part thereof to the grading of any public grounds, and the planting and securing trees thereon, and the construction and repairing of sewers.

8. To suppress disorderly houses, and houses of ill-fame.

Gambling.

9. To restrain and prevent, and suppress gaming-houses, billiard tables, and all instruments and devices for gaming.

10. To direct and control the location of all slaughter-houses, markets or shops for the selling of meat, houses for storing gunpowder, and other combustible and explosive substances, and to regulate the keeping, selling or conveying thereof. Markets.

11. To prohibit the depositing, and prevent the keeping of any unwholesome or nauseous substance, and to compel the cleaning of any filthy place or dwelling.

12. To prohibit horse-racing and immoderate driving in the streets; to prevent the incumbering of the streets, crosswalks and sidewalks in said village, and to compel every person to clear the dirt and obstructions from off the sidewalk in front of the premises owned or occupied in whole or in part by such person, and to provide for the clearing of the snow from off the sidewalks and crosswalks at such places and in such manner as they shall deem best. Horse-racing.

13. To prevent or regulate the ringing or tolling of bells, except those of railroad engines. blowing of horns, or crying of goods and wares, firing of guns, gunpowder or other explosive compounds, and the making of any improper noise which may tend to disturb the peace of the village; and regulate the sale or exposure to sale of fire-crackers, rockets, squibs, or other explosive compounds. Ringing bells

14. To restrain and punish vagrants, mendicants and persons soliciting alms, keepers of houses of ill-fame, common prostitutes, and disorderly persons, and to prevent and punish drunkenness, and disorderly or immoral conduct in public streets and places. Vagrants, &c.

15. To regulate and determine the places of bathing in the river, canals, or other waters within the village.

16. To regulate the burial of the dead, and protect the public cemeteries. Cemeteries.

17. To perform all the duties imposed upon them by this act, or by any law of the state.

§ 17. The trustees shall have power in their discretion :

1. To establish and regulate a public pound, and appoint and define the duties of a pound-master, so that the same be not inconsistent with the laws of this state. Pound.

2. To restrain horses, cattle, sheep and swine from going at large in the streets, under a penalty not ex-

ceeding five dollars for each animal, and to cause any such animals to be impounded or sold, as may be provided by the by-laws, to prevent them from going at large, and to satisfy such penalty and the expenses; and the owner or owners of any such animal shall be liable for such penalty.

Removal of
buildings.

3. To cause buildings and other structures encroaching on the streets to be removed at the expense of the owners or occupants thereof, and to issue their warrant, against any such owner or occupant, to collect the necessary expense of such removal.

4. To permit building material to be deposited on the streets in front of any lot, to such extent, and for such a time, as they may prescribe.

Nuisances.

5. To determine the existence of a public nuisance in any part of the village, and to compel its removal or abatement, and if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien on the lot whence the nuisance was removed, or whereon it was abated; and to enforce the collection thereof by leasing or selling the premises in the manner prescribed in this act for the collection of taxes, or by action against the owner or occupant of the lot, or against any person who may have caused or maintained such nuisance.

6. To prohibit the flying of kites, playing ball, rolling hoops or sliding down hill in any specified street, or parts of said village.

To appoint
firemen.

7. To appoint and dismiss firemen, including members of fire engines and hook and ladder and hose companies, and to make regulations for their conduct and government.

8. To give names to the streets, and numbers to the lots and tenements, and to change the same.

9. To cause prosecutions upon any contract or liability in which the village is interested, or for fines and penalties imposed by this act, or by any by-law of the village, and to enforce the collection thereof, or to remit the same or any part thereof.

10. To employ attorneys in the prosecution or defense of any action by or against the village, or for the transaction of any business of the village requiring professional skill.

11. To establish and regulate public wells, pumps, aqueducts and reservoirs.

12. To provide for lighting the streets of said village, and to protect the public lamps.

13. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large, contrary to any ordinance.

14. To prohibit all exhibitions of any natural or artificial curiosity, caravans, circuses, theatrical and other shows or *exhibitions, or performances for money, within the bounds of the village; and, if the trustees shall deem advisable, to license the same on payment of such sum as they shall specify on granting such license. Exhibitions

15. To do any act necessary to carry into effect any resolution, ordinance or other proceeding which they are authorized to adopt by this act or by any statute.

§ 18. The trustees may make, amend and repeal all such by-laws, ordinances and police regulations, not contrary to the laws of this state, as may be necessary or proper to carry into effect the provisions of this act, and of any other laws applicable to said village, and to the power vested in any officer thereof; and may prescribe penalties not exceeding twenty-five dollars, for the violation of any such by-law or ordinance. Every such by-law or ordinance shall be published at least three weeks, by posting the same in a conspicuous place in ten public places in said village, or by publishing the same two weeks successively, once in each week, in two newspapers printed in the city of Utica, having the largest circulation in said village, and shall not take effect until after such publications. Proof of such publication, by the affidavit of the printer of such paper, his foreman or clerk, or of the person who posted the same, shall be filed with the clerk of the village, and shall be prima facie evidence of such publication or posting. Trustees to make laws, &c.

§ 19. The trustees shall have power, from time to time, to prescribe the duties of the several officers appointed by them, subject to the provisions of this act.

§ 20. No trustee shall be appointed to any office by the board of trustees, nor shall the president or any trustee be interested in any contract made with the cor- Trustees not to be interested in contracts, &c.

* So in the original.

poration; and any contract made in violation of this provision shall be void.

Application
of moneys.

§ 21. The trustees shall have power to apply any and all moneys raised by any tax in said village to the purchasing of any personal property for the use of said village, and to the defraying the necessary expenses of the corporation; and also to the leasing or purchasing of so much land as may be necessary for the erection of engine-houses, a public pound, and public hay scales, and to the building and keeping in repair public wells, cisterns and reservoirs within said village, and the water pipes and fixtures connected therewith, and to the making and maintaining sidewalks in front of any public grounds in said village, and to improving such grounds, and to the making and maintaining crosswalks, and lighting the streets in said village, and to such other purposes as the trustees, in their discretion, shall deem necessary and for the interest of the said village.

Sidewalks
and streets.

§ 22. The said trustees shall likewise have power to cause the sidewalks, streets and highways within said village to be leveled, raised, graveled, planked and repaired, and the sidewalks ornamented with trees; and to compel the owners and occupants of any lands or lots adjoining such sidewalk to make such improvement upon the sidewalks as aforesaid, in front of said land or lot; to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quantity of such materials; and in case the owner or owners, occupant or occupants, of any such land or lot should neglect or refuse to complete the said required improvements to the sidewalks within such reasonable time as shall be required by the trustees, the said trustees may cause such improvements to such sidewalks to be made or completed, and the expense thereof may be by them assessed on such owner or owners, occupant or occupants, so neglecting or refusing, and be collected by warrant, to be issued by the president and trustees, in the same manner as other taxes are directed to be collected by this act; and in case such tax or assessment shall not be paid or collected, the trustees may cause such real estate to be leased or sold for the payment and collection of such assessment and expenses of sale, in the same manner and with the effect and subject to the provisions of sections

thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine.

§ 23. The trustees shall have discretionary power to raise, levy and collect from the taxable property in said village any sum, not exceeding three hundred dollars in any one year, which they shall deem necessary for any of the purposes mentioned in section twenty-one of this act; the same to be assessed and collected in the same manner prescribed for the assessment and collection of other taxes directed or authorized to be raised, levied, assessed and collected by and under this act.

Trustees
may levy
tax, &c.

TITLE V.

DUTIES OF THE TREASURER AND CLERK.

§ 24. The treasurer shall receive all moneys belonging to the village, and shall pay out the same on the order of the president, countersigned by the clerk. No such order shall be given, except in pursuance of a resolution of the board of trustees, duly entered on the village records, specifying the amount for which such order is directed to be issued, to whom, and what for.

Treasurer,
duties of.

§ 25. The treasurer shall, twenty days before each annual election, present to the president a statement, showing the state of the treasury, and the several sums received and paid out during the year, and when received and paid, and from, and to whom. He shall deliver to his successor in office, on receiving six days' notice to that effect, all moneys, books, vouchers, and papers appertaining to the office.

§ 26. The clerk shall attend and act as clerk at all the meetings of the trustees, and record, in the proper journals of the village, all resolutions, ordinances, directions and determinations adopted at such meetings. He shall also enter in a book, to be called the clerk's minutes, a memorandum of the service of all notices by him, stating the time and manner of service, and of any other acts pertaining to the duties of his office which the trustees may require him to enter. He shall serve all notices, and file all papers required by the trustees, or by this act, to be served or filed, make copies of such assessment rolls and other papers as may be required by the trustees or president; and shall keep in good order the books, records

Clerk's du-
ties.

and papers appertaining to his office. When requested by the president, or by any trustee, he shall enter in the journal the names of the trustees voting on each side, on any question. Within three days after any meeting of the electors of said village shall have voted any tax, he shall furnish to the trustees and treasurer a certified copy of the resolution or vote for raising such tax.

§ 27. The entries in the journals and clerk's minutes, or sworn copies thereof, shall, for every purpose, be presumptive evidence of the facts therein stated.

TITLE VI.

OF THE ENGINEERS AND FIREMEN.

Engineers
and firemen

§ 28. The chief engineer of the fire department shall, under the direction of the trustees, have the general superintendence and custody of the fire engines, engine-houses, hooks, ladders, hose, public cisterns, and other conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make detailed reports to the president of the village of the state of that department, one week before each annual meeting; and to make like reports to the trustees as often as they may require.

§ 29. It shall be the duty of the chief engineer to be present at fires and take command of the fire companies, hose companies, and hook and ladder companies, and have the general control of the apparatus for extinguishing fires.

§ 30. The assistant engineers shall aid the chief engineer at all fires; and in case of the absence of the chief engineer, the duties and powers of the office shall be exercised by the first assistant engineer, or, in his absence, by the second assistant engineer.

§ 31. The president, or any engineer or trustee, may keep all idle or suspicious persons away from the vicinity of any fire, and may require the inhabitants of said village, or any bystanders, to form ranks or lines to carry water for the extinguishing of any fires in said village, and to aid the firemen in working their engines, hooks and ladders and hose, and to aid in removing *any protecting any property thereat; and every person refusing to obey such order shall be subject to a fine of three dollars,

* So in the original.

to be sued for and recovered in the name of the corporation, and paid to such fire company as the chief engineer may direct.

§ 32. The trustees shall require the inhabitants of said village to keep a certain number of fire buckets, and in such manner as they shall prescribe, and regulate the use of them in case of fire.

§ 33. The present firemen of the village of Whitesboro shall continue firemen of said village, subject to removal by the trustees. The firemen of said village shall, during the term of service, be exempted from serving on juries, and in the militia, except in cases of war, insurrection or invasion.

§ 34. The name of each fireman, with the date of his appointment and term of service, shall be registered with the clerk of the village, in a book to be kept for that purpose; and the only evidence necessary to entitle a fireman to his exemption, shall be the certificate of the president and clerk of the village, under the seal of the village, which shall be given without fee.

TITLE VII.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

§ 35. It shall be the duty of the trustees in each year, to prepare an assessment roll of the property liable to taxation in said village, and complete the same in all respects, as nearly as practicable, in the manner prescribed by law in relation to town assessors, and to deliver the same to the clerk of the village ten days prior to the annual election; and the trustees are hereby vested with the same powers in respect to assessments as town assessors, including the power to administer oaths, and to correct valuations, on the application of persons interested. The valuations of taxable property included in any such assessment roll shall be ascertained, so far as possible, from the last assessment roll of the town of Whitestown, and no person shall be entitled to any reduction in the valuation of such property, as so ascertained, unless he shall give notice of his claim to such reduction, to the trustees, before the tax roll shall be made out.

Taxes, assessment and collection of.

§ 36. When the trustees shall have received from the clerk a certified copy of the resolution of vote of the elec-

Roll to be made out.

tors of said village, at any meeting legally held by them, directing any tax to be raised, they shall make out a roll, under the hands of the president and trustees, apportioning the sum of money to be raised upon the taxable property within the village, according to the assessment thereof by them; and they shall, by warrant, authorize the collector, under the hands of the president and trustees, to collect the said tax, together with the percentage thereon allowed by law for his fees, and to pay the said tax to the treasurer of the village within thirty days from the date of said warrant.

Tax roll to
be delivered
to presi-
dent, &c.

The tax roll shall then be delivered by the president of the village to the collector, who shall immediately post notices thereof, in at least ten public places in said village; which notices shall state that any person who shall pay his tax within fifteen days from the date of said notices, shall be charged with one per cent collector's fees thereon only, and that the collector will attend at a place in said village (to be specified) on two days (to be specified) within the fifteen days, for the purpose of receiving payment of taxes, and he shall attend at such time and place accordingly; and any person or corporation paying the amount of his or its tax within fifteen days shall be charged with one per cent thereon for the fees of the collector, and no more. After the expiration of the fifteen days, the collector shall proceed to collect the unpaid taxes in said roll specified, with five per cent thereon for his fees, in the same manner as is now provided by law for the collection of town and county taxes, and with the like power and authority as collectors of towns; and shall pay the said tax to the treasurer at the time specified in his warrant.

Warrant
may be re-
newed.

§ 37. The trustees may, from time to time, renew any warrant issued for the collection of any tax or assessment, whenever any tax or assessment shall be returned uncollected, or issue a new warrant for the collection thereof, and in such renewal or new warrant specify the time when said warrant shall be returned.

Refusal or
neglect to
pay tax.

§ 38. Whenever any person or corporation upon whose real estate a tax or assessment shall be imposed or assessed in pursuance of this act, shall refuse or neglect to pay the same within the life of the warrant issued for the collection thereof, and there shall be no sufficient

personal property of such person or corporation found within the limits of said village whereof the same can be levied and collected, the collector holding such warrant shall make return thereof, under oath, subscribed by him, to the trustees, who are thereupon hereby authorized to cause the real estate, on which such tax or assessment was imposed or assessed, to be sold at public auction, for a term of time, for the payment of such tax or assessment, giving six weeks' notice of such sale in a newspaper published in the city of Utica, having the largest circulation in said village, and serving personal notice on the owner of such real estate, if he be a resident of said village; and if not a resident, then serving notice by mail upon such owner, if his place of residence be known to said trustees, and the said real estate shall be sold to the person who will offer to take the same for the shortest term, for the payment of such tax and assessment, with interest thereon from the date of the warrant, and the expenses of the said publication, notice and sale, which shall be the same as provided by law in cases of foreclosure of mortgage by advertisement. But the owner, his agent or his assigns may, within three years after such sale, redeem the same by paying or tendering to the purchaser, or his legal representatives, or to the treasurer of the village, the amount of the bid at such sale, with interest, at the rate of ten per cent per annum. And all the provisions of the act entitled, "An act authorizing mortgages to redeem real estate sold for taxes and assessments," passed May 14, 1840, shall apply to any such sale, and any mortgagee of the premises, or any part thereof, shall have the benefit of said act, and the notice required to be given by the second section of said act, shall not be given until after the time limited for the owner or his assigns to redeem.

Publication
of notice.

§ 39. When any real estate shall be sold for the collection of any tax or assessment, and the owner thereof, his agents, heirs or assigns, shall not, within three years thereafter, have paid or tendered to the purchaser thereof, or his legal representatives, or to the treasurer of the village, the amount of the bid on such sale, and the same shall not have been redeemed by any mortgagee of such real estate within three months after the expiration of three years as above provided, with interest at the

Real estate
to be sold
for taxes.

rate of ten per cent per annum, from and after the time of such sale, the trustees shall deliver to the purchaser or his assigns a certificate of such sale, under the seal of the village, and signed by the president and clerk, the execution whereof may be proved and acknowledged in the same manner as a deed, and which may, in like manner and with like effect, be recorded as other conveyances of real estate.

Purchase of same.

§ 40. The purchaser at any such sale, on receiving such certificate, or his executor, administrator or assigns, may immediately enter into the possession of such real estate, and hold, occupy and enjoy, during the time for which it was sold as aforesaid; and such certificate shall, in all courts and places, be held presumptive evidence of the right of such purchaser, his heirs or assigns, to the possession of such premises during the term, as against the owner or those claiming under him; and all buildings put on the premises during such term by the purchaser, his heirs or assigns, may be removed at or before the expiration thereof.

§ 41. Highway taxes shall be levied and collected in said village, as follows:

Street commissioner to deliver clerk list of inhabitants liable to work.
Highway tax.

1. The street commissioner, within ten days after his appointment, shall deliver to the clerk of the village a list, subscribed by him, containing the names of all the inhabitants of said village liable to work on the highways.

2. Within twenty days after the annual election of officers of said village, in each year, the trustees shall ascertain the amount of highway taxes for the ensuing year, which shall be at least equal to an assessment of three days' labor on each taxable inhabitant of said village, estimating the value of each day's labor at fifty cents.

Who shall pay highway tax.

3. Every male inhabitant of said village, being above the age of twenty-one years (excepting ministers of the gospel, priests of every denomination, paupers, idiots and lunatics), shall be assessed for one day's labor reckoning the value of the same at fifty cents.

4. The trustees shall apportion and assess the residue of said highway taxes, reckoning the value of each day's labor at fifty cents, upon the estate, real and personal, of said village, and of corporations and owners of non-resi-

dent lands therein, as the same shall appear from the last assessment roll of said village.

5. The highway taxes, assessed as aforesaid, upon property in said village, and against corporations therein, and against individuals whose names are upon said assessment roll, shall be collected in money, in the same manner as ordinary taxes within said village; and when collected, the same shall be applied by the trustees as directed in subdivision seven of section sixteen of this act.

Highway
tax.

6. The trustees shall make out and deliver to the street commissioner of said village, a list of all persons assessed for highway labor therein, whose names are not on the last assessment roll of said village; and he shall proceed to notify said persons to work out their assessments on the streets and highways within said village, in the same manner as overseers of highways are directed to proceed by the provisions contained in article third, title first, chapter sixteen of the first part of the Revised Statutes. And every person, when so notified, shall work out his assessment under the direction of the said commissioner, or he may commute for the same at the rate of fifty cents per day, to be paid to the said street commissioner, and to be applied and expended by him, under the direction of the trustees, in the improvement of the streets, sidewalks, roads and highways within said village. If any person shall neglect or refuse to labor or commute, as aforesaid, he shall be liable to the same penalties, and to be enforced by the street commissioner in the same manner, as is provided in the article of the Revised Statutes above referred to.

List to be
delivered to
street com-
missioner.

§ 42. The street commissioner shall keep an accurate account of all moneys received by him for commutations or penalties, stating the persons from whom and when received, and the expenditures of such moneys, and shall report the same to the trustees when requested by them; and he shall in all cases, by the first day of January in each year, render and file with the clerk of the village, an account, in writing, and verified by his oath, and showing:

Account to
be kept.

1. The names of all persons contained in the aforesaid list delivered by him to the trustees.

2. The names of all those who have actually worked

on the highways, under his direction, in payment of their poll tax.

3. The names of all those who have been fined, and the sums in which they have been fined.

4. The names of all those who have commuted, the amount received for commutations, and the manner in which the moneys received from fines and commutations has been expended.

TITLE VIII.

OF THE POLICE DEPARTMENT.

Police.

§ 43. The police justice shall have the same powers and jurisdiction, and be subject to the same duties and liabilities, as justices of the peace in the town of Whites-town, and his judgments and proceedings may be reviewed in the same manner as is or may be provided in cases of judgments and proceedings of justices of the peace.

§ 44. Such police justice shall keep an office within said village, and hear all complaints, hold courts and courts of special sessions, and conduct all other criminal business that may by law be done by a justice of the peace.

No justice
of peace to
be bound to
render ser-
vice, &c.

§ 45. No justice of the peace of the town of Whites-town shall be bound to render any service, or be entitled to receive any fees in criminal cases arising in said village, or in cases for fines or penalties imposed by this act, or the by-laws and regulations of the said village, except during the vacancy in the office of police justice; and except that in case a complainant shall, by his own oath or that of any other person, prove to such justice of the peace that said police justice is absent from the village, or is sick or otherwise unable to attend to such application, then the justice of the peace to whom such application is made shall hear the complaint, and may issue the warrant to apprehend the person charged with the commission of the offence, and shall be entitled to receive therefor the fees allowed by law; but such warrant shall be made returnable before the said police justice.

Constables.

§ 46. It shall be the duty of every constable arresting any person on a criminal warrant issued by any justice of the peace in said village, to take such prisoner before

the said police justice, unless it shall appear by the warrant that the offense charged was committed out of the village of Whitesborough, and the police justice shall proceed therein as though the warrant was issued by or returnable before him; and in case the police justice is absent from the town, or by reason of sickness or other cause is unable to hear the case, then the constable shall take the prisoner arrested before one of the justice of the peace of the town of Whitestown, who shall proceed therein and be entitled to fees for his services.

§ 47. It shall be the duty of the police justice, whenever requested by the president or any trustee of said village, to issue subpoenas requiring any person appearing before him to give evidence upon a complaint for an offence committed in said village. Upon the return of such subpoena, the police justice shall examine the witness or witnesses, on oath, in relation to the offense supposed to have been committed, and if it shall appear that any such offense has been committed, he shall proceed thereon in the same manner as though such witnesses had voluntarily made such complaint before him.

Police justice.

§ 48. The said police justice shall have exclusive jurisdiction in all actions brought to recover a fine, penalty or forfeiture for the violation of this act, and of the by-laws, ordinances, rules or regulations of said village, and for the recovery of taxes and assessments imposed or assessed pursuant to the village charter. Every such action brought in the police justices' court, shall be in the name of the corporation, and may be commenced by summons or by warrant. If judgment be given against the defendant in such action, execution may be issued thereon immediately, unless it is for a tax or assessment, and shall require, if the officer to whom it is issued can not find goods or chattels of the defendant whereof the judgment can be collected, that the defendant be imprisoned in close custody, in one of the county jails in the county of Oneida, for a term not exceeding thirty days.

Jurisdiction of.

§ 49. He shall keep a book in which he shall enter all business done by him, and shall make out his accounts of all business done by him, which may be a town or county charge, against the town of Whitestown or county of Oneida, in the same manner as bills of the justices of the peace in like cases; and in which he shall

Shall keep book.

charge the fees, as allowed by law, to justices of the peace, and which shall be duly verified by him, and be audited by the town auditors of said town, or board of supervisors of said county, as the case may require; and the amount audited shall be levied as other town and county charges, and paid over to the treasurer of the village.

Cost of action, &c.

§ 50. In all cases when said police justice shall decide or give judgment in favor of any party, it shall be with costs of the action or proceeding, including witnesses' or officers' fees; and whenever any plaintiff, or complainant, or defendant, in any action or proceeding, shall be adjudged to pay costs, the said police justice shall tax for his services such fees as are allowed by law to justices of the peace for like services, and such fees to witnesses and officers as are allowed to them by law in like cases before justices of the peace; which costs and fees shall be collected according to law. And all fines, penalties and forfeitures imposed by or recovered before said police justice, for criminal offenses, or for a violation of this act, or of any by-law, ordinance, rule or regulation of said village, shall be received by him from the person who shall collect the same, and paid over to the treasurer of the village.

Police justice to make quarterly report.

§ 51. Such police justice shall, quarterly, or oftener, if required by the president or trustees, render an account, on oath, to the trustees of the village, in writing, in which shall be specifically stated the amount of fines, penalties and forfeitures received by him in every case, and all fees or other moneys received by him belonging to the corporation, and shall, forthwith, pay over the same to the treasurer of the village.

§ 52. The police constable shall have the same powers, and be subject to the same duties, in criminal and in civil cases, cognizable by the police justice, as constables in the town of Whitestown, and shall give the security in the same manner, but to be approved by the president and filed with the clerk of the village.

Police constable.

§ 53. It shall be his especial duty to arrest any and all persons, in the village, guilty of any crime, misdemeanor, or offense against the peace and good order of society, and take them before the police justice, to be dealt with according to law. The police constable shall also be

bound to take strict notice of any unnecessary noise or disturbance in the streets or other places in the village, particularly in the night time, to admonish offenders, and if the offense be of sufficient magnitude, to arrest them and take them before the police justice to answer for the offense. He shall also act as watchman in the night whenever the trustees require it.

TITLE IX.

MISCELLANEOUS PROVISIONS.

§ 54. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of the village of Whitesborough, or liable to taxation therein, in any action or proceeding in which the said village is interested.

§ 55. No person entitled to a vote at any election held under this act, shall be arrested on any civil process within said village during the time of holding such election. Voters.

§ 56. Every person elected or appointed to any office under this act, who shall be sued for any act done or omitted to be done by him, in virtue of his office, and who shall have final judgment rendered in his favor whereby he shall be entitled to costs, shall recover double costs, as defined in the Revised Statutes.

§ 57. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment, duly assessed against any such person or corporation, the trustees may collect the same by action in the corporate name of said village, against such person or corporation; but such action shall not operate to release any lien upon property for such tax until the judgment rendered in such suit shall have been fully satisfied. Neglect to
pay tax.

§ 58. Whenever any real estate in said village shall be owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all, for any purposes requiring notice under this act, unless one of said persons or tenants in common shall be a non-resident, in which case notice shall be mailed to said non-resident, directed to his place of residence, or in case said residence is not known, said notice shall be published for two successive weeks, once in each week, in the state paper. Real estate
owned by
more than
one.

Public
health.

§ 59. The trustees may take precautionary measures to guard the public health in times of pestilence, and to provide against infectious and pestilential diseases when they appear in the village, by providing suitable places for the temporary removal of persons having such diseases, from the populous parts of the village, and defray the expenses incident to such removal.

Former acts

§ 60. All former acts and parts of acts relative to the village of Whitesborough are hereby respectively repealed; but such repeal shall not affect any act done, privilege granted, right vested, or established institution located, or any suit, proceeding or prosecution had or commenced previous to the time when such repeal shall take effect; all taxes and assessments levied and assessed and not collected, or directed to be levied and assessed, and not levied and assessed prior to this act taking effect, shall be levied, assessed and collected in the manner prescribed in this act for the collection of taxes and assessments.

All officers elected or appointed, under or by virtue of any act or acts hereby repealed, shall continue in office until the first board of trustees elected under this act shall become organized.

§ 61. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 62. This act shall take effect immediately.

Chap. 11.

AN ACT authorizing the Baptist society of Sweden and Bergen to sell their parsonage.

Passed February 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the trustees of the Baptist society of Sweden and Bergen, by a vote of two-thirds of their trustees, to sell their parsonage situate in the town of Sweden, in the county of Monroe, and to

make and execute to the purchaser the requisite legal conveyances for the same, and use the money for the benefit of said society.

§ 2. This act shall take effect immediately.

Chap. 12.

AN ACT to provide for the appointment of commissioners of deeds in the village of Ballston Spa.

Passed February 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be appointed for the village of Ballston Spa, commissioners of deeds, not to exceed six in number, who shall possess the same powers in the county of Saratoga as are conferred by law upon commissioners of deeds for cities, and be entitled to the same fees for services performed by them.

§ 2. The said commissioners of deeds shall be appointed by the board of trustees of said village, and a certificate of such appointment, attested by the clerk of the said village, shall be filed with the clerk of the county of Saratoga; and the oath of office of said commissioners shall be taken before, and filed with, the said county clerk, and they shall hold their offices for two years, and until others shall be appointed in their places.

§ 3. Any vacancy in the said office shall be supplied by the board of trustees of the said village, and the person appointed to fill such vacancy shall serve out the residue of the unexpired term of the commissioner in whose place he shall be appointed.

§ 4. The first appointment under this act shall be made on or before the first Monday of May next.

§ 5. This act shall take effect immediately.

Chap. 13.

AN ACT to authorize the common council of the city of Hudson to fund the floating debt of said city, and for other purposes.

Passed February 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Common council to ascertain amount of debts, &c.

SECTION 1. The common council of the city of Hudson, immediately upon the passage of this act, shall proceed to ascertain and state the amount of debts and liabilities incurred or falling due prior to the first day of January, eighteen hundred and fifty-nine, which have been paid or discharged out of the moneys raised by tax to meet the current expenses of the city government of said city for the year eighteen hundred and fifty-nine; to which amount shall be added the sum of nine hundred dollars to be applied towards the construction of an engine house, and the sum of eleven hundred dollars to be applied towards the repairs and building of reservoirs in said city, and the sum of two thousand dollars to pay the deficiency in the amount raised to pay the current expenses of said city government for the year eighteen hundred and fifty-nine.

Bonds to be issued.

§ 2. The said common council shall thereupon proceed to issue bonds for the same in sums of two hundred and fifty dollars each, with interest at seven per cent per annum, payable semi-annually on the tenth days of February and August, and the principal of one bond to be paid annually; said bonds shall be signed by the mayor and city clerk, and the corporate seal of the city affixed to the same.

Bonds to be sold at public auction.

§ 3. The aforesaid bonds shall be sold at public auction separately to the highest bidder, on due notice, and the proceeds arising from such sale shall be applied to refund the amount so ascertained by the common council, as aforesaid, to have been paid from the moneys collected to defray the expenses and support the government of said city for the year eighteen hundred and

fifty-nine, and for the other purposes therein before mentioned.

§ 4. In addition to the sum now authorized by law to be raised for city purposes, the common council shall add annually an amount sufficient to pay the principal of one of the before mentioned bonds, and the interest upon the whole amount of city bonds remaining unpaid.

Money to be raised annually to pay principal and interest

§ 5. This act shall take effect immediately.

Chap. 14.

AN ACT to authorize the Rochester Bank to reduce its capital stock.

Passed February 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Rochester Bank is hereby authorized to reduce its capital stock to an amount not less than one hundred thousand dollars.

§ 2. The said bank is hereby authorized to sell any or all of its real estate, and to receive in payment therefor portions of its capital stock, and extinguish the same; provided, however, that the capital stock of said bank shall not, under the provisions of this act, be reduced to an amount less than one hundred thousand dollars.

§ 3. Nothing in this act contained shall in any way change or lessen the liability of the stockholders of the said bank to the bill-holder or other creditors thereof, on any indebtedness or engagement now existing against said bank, or that may so exist, either absolutely or contingently, at the time when such reduction shall take place.

§ 4. This act shall take effect immediately.

Chap. 15.

AN ACT in relation to Waterloo Union School, and school districts numbers one and fifteen, in the town of Waterloo, county of Seneca.

Passed February 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The provisions of the act entitled " An act to change the school year, and to amend the statutes in relation to public instruction," passed April twelfth, eighteen hundred and fifty-eight, shall apply to the union school and districts numbers one and fifteen, in the town of Waterloo, county of Seneca, so far as the same relates to the time and place of holding the annual meetings of the taxable inhabitants and legal voters of said districts and school ; and so far as relates to the time of making the annual reports of the trustees thereof, and no further.

§ 2. All the acts of the trustees of said school and districts, and the votes, acts and doings of the taxable inhabitants and voters in said school and districts, had and done since the passage of said act of April twelfth, eighteen hundred and fifty-eight, at their district meetings, are hereby declared to be valid.

§ 3. Nothing in this act contained shall affect any action or proceedings in which said trustees or the collectors of said districts or school, or either of them, are a party, commenced prior to the passage of this act.

§ 4. This act shall take effect immediately.

Chap. 16.

AN ACT to amend chapter nine, title nine, article eight, part first of the Revised Statutes, entitled "Regulations and penalties concerning the navigation of the canals and the collection of tolls."

Passed February 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-one of article eight, title nine, chapter nine, part first of the Revised Statutes, is hereby amended so as to read as follows:

§ 121. Every master of a boat, conveying property on a canal, shall exhibit to the several collectors, hereafter mentioned, a just and true account, or bill of lading, of such property, signed by himself and by the consignor thereof, containing:

1. The name of each place on the canal where any portion of such property was shipped, and of the place for which it is intended to be cleared.

2. A statement of the names, description and weight of all the articles of such property on which toll is charged by the ton, of the number of articles on which toll is charged by the number, and of the feet of each article on which toll is charged by the foot.

3. A specification of the weight or quantity of each article, where a different rate of toll is charged on different articles, on which toll is so computed.

4. No clearance of a boat and cargo shall be granted or issued by any collector of canal tolls, except upon the production to him of a bill of lading containing the above particulars.

§ 2. This act shall take effect immediately.

Chap. 17.

AN ACT to amend an act entitled "An act to incorporate the Bloomingdale Savings Bank," passed April seventeenth, one thousand eight hundred and fifty-four.

Passed February 24, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In section first of the act entitled "An act to incorporate the Bloomingdale Savings Bank," passed April seventeenth, one thousand eight hundred and fifty-four, the word "Bloomingdale" shall be stricken out, and the words "Third-avenue" inserted in lieu thereof.

§ 2. This act shall take effect immediately.

Chap. 18.

AN ACT to appropriate the proceeds of the state tax for the support of schools.

Passed February 25, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of one million and fifty-two thousand eight hundred and fifty-three dollars, and seventy-five cents, being the amount of the tax of three-fourths of a mill on each dollar of the aggregate assessed valuation of the real and personal property of this state for the support of common schools, is hereby appropriated for the support of common schools during the current fiscal year, to be apportioned and distributed according to law.

§ 2. This act shall take effect immediately.

Chap. 19.

AN ACT authorizing the trustees of the village of Middletown, in the county of Orange, and state of New York, to permit the construction of gas works in said village.

Passed February 26, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the village of Middletown, in the county of Orange, and state of New York, and their successors in office, are hereby authorized to grant to any individual or individuals the right to erect works for the manufacture of gas, and to lay the necessary pipes through the public grounds, streets and alleys of said village for conveying said gas for the purpose of lighting the streets of said village, and for the use of its inhabitants, and for continuing the same, upon such terms and conditions, and in such way or manner, by grant, contract, resolution or otherwise, as such trustees and their successors in office may deem expedient and proper.

§ 2. This act shall take effect immediately.

Chap. 20.

AN ACT to amend an act entitled "An act to incorporate the village of Rhinebeck," passed April twenty-third, one thousand eight hundred and thirty-four.

Passed February 26, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act entitled "An act to incorporate the village of Rhinebeck," passed

April twenty-third, one thousand eight hundred and thirty-four, is hereby amended by striking out the words "every last Monday of May thereafter," and insert in place thereof the words "every first Monday of March thereafter."

§ 2. Section eleven of said act is hereby amended by striking out the words "Tuesday of May next," and insert "Monday of March."

§ 3. This act shall take effect immediately.

Chap. 21.

AN ACT to change the time of holding the charter election of the village of Schuylerville.

Passed February 28, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The second section of the act to amend the act incorporating the village of Schuylerville, passed May twenty-sixth, eighteen hundred and fifty-three, is hereby amended so as to read as follows :

The inhabitants qualified by law to vote at town meetings, and residing within the aforesaid limits, shall meet on the first Tuesday of April, in each year, at the hour and place to be designated at their last preceding annual meeting ; and if none shall have been designated, then at such hour and place as the trustees may appoint. The first meeting under this act shall be held at such time, hour and place as shall be designated by the trustees of said village, in office at the date of the passage of this act ; notice of which said first meeting shall be given as in the next succeeding section of this act specified.

§ 2. This act shall take effect immediately.

Chap. 22.

AN ACT to amend an act, passed April seven-
teenth, eighteen hundred and fifty-four, entitled
"An act to incorporate the village of Lyons."

Passed February 28, 1859 ; three-fifths being present.

*The People of the State of New York, represented in
Senate and Assembly, do enact as follows :*

SECTION 1. The corporate limits of the village of Lyons, in the county of Wayne, is hereby divided into three divisions, or districts, as follows :

District number one shall comprise all that portion of said village lying west of a line commencing at the intersection of the old Sodus road with the north boundary line of said village, running thence southerly on the east line of said road and on the east line of Maple street and of Broad street, thence due south to the limits of said village; and it is hereby expressly intended to comprise within said district all the inhabitants who reside on the east line of the road and streets aforesaid, excepting such whose dwellings front on the different streets and alleys leading easterly from said Maple street and Broad street.

District number two shall comprise all that portion of said village lying between the west line of district number one and a line commencing at the intersection of the South Sodus road with the north limits of said village; thence running southerly on the east line of said road and the east line of Phelps street; thence due south to the Montezuma turnpike; thence along the north line of said turnpike, easterly, to the east line of said village limits; thence due south to the southeast corner of said limits: herein and hereby expressly intending to comprise within said district all inhabitants residing on the east line of said road and said Philip street, and on the north line of said Montezuma turnpike, excepting such whose dwellings front on the different streets and alleys leading easterly from said road and street.

District number three shall comprise all the remaining portion of said village.

Trustees.

§ 2. There shall be elected, at the time and in the manner prescribed by the general act of incorporation of said village, from and after the passage of this act, at the first general election, six trustees, two from each district, three of whom shall hold their office for one year, and three for two years, the term to be determined by lot at the first meeting of the village board after such election; and there shall be elected annually, thereafter, three trustees, one from each district, who shall hold their office for the term of two years.

Assessors.

§ 3. The assessors elected at the next annual election in said village after the passage of this act, shall hold their offices, respectively, for the term of one, two and three years, to be determined by lot at the first meeting of the village board after such election; and there shall be elected annually, thereafter, one assessor, who shall hold his office for the term of three years.

Street commissioners,
and duties
of.

§ 4. At the next annual election in said village, after the passage of this act, shall be elected three street commissioners, one from each district, who shall hold their office for the term of one year. The said street commissioners shall have the powers, perform the duties, and be subject to the liabilities of commissioners of highways in towns, with the exceptions and modifications contained in this act. They shall possess and exercise all the powers conferred upon the village board by the general act of incorporation, in relation to the streets, alleys, sidewalks and highways in said village. And to that end, and for the purpose of better enabling them to perform such duties, the treasurer of said village is hereby directed to pay over to each street commissioner, all the moneys collected on the assessment upon the inhabitants of each district, denominated a highway tax, upon such commissioner executing to the village of Lyons a bond, with one or more sufficient sureties, to be approved by the president of said village, in the penal sum of twice the amount of such tax in each district, for the faithful performance of the duties of his office, and of the application and expenditure of such moneys. The said street commissioners, and each of them, are hereby required to report annually, and at such time as the village board shall designate, the amount and nature of the work, labor and improvements made by them during their term of

office, and shall also, whenever required by said village board, account under oath, of the amount of property and money received by them and remaining in their hands, and of their receipts and expenditures in form of debtor and creditor. The compensation for the services of such street commissioners shall be the same as that fixed by the law for commissioners of highways in towns; the account of which is to be made out and verified as other village accounts, to be audited by the village board, and to be paid out of the moneys raised and collected as a highway tax.

§ 5. In case at any such annual election it shall so happen that one or more of said street commissioners should be elected for a district in which he or they was or were not a resident, then, and in such case, the said village board shall designate for what district or districts such commissioner or commissioners shall serve; such designation to be made at the first meeting of said board after such election. And in case there should be a vacancy in the office of said street commissioner, by death, resignation, or for any cause whatever, such vacancy shall be immediately filled by said village board, and the person appointed shall hold the office for the unexpired term thereof, subject in all respects to the same laws, rules and regulations which govern a person duly and regularly elected by the inhabitants of said village.

Vacancies
in office.

§ 6. The said village board shall, from and after the passage of this act, annually, hereafter, assess upon the inhabitants of each of said districts the highway tax mentioned in the said act of incorporation, and the treasurer of said village is hereby required to keep each district highway tax distinct and separate from each other, so that he can pay over to said street commissioners their respective shares or proportions of such tax, as directed in section four of this act; but no provision of this act shall be construed so as to include any moneys for erecting or repairing any bridges within the bounds of said village.

Village
board to as-
sess tax.

§ 7. Any thing in the act incorporating the village of Lyons, inconsistent with this act, is hereby repealed

§ 8. This act shall take effect immediately.

Chap. 23.

AN ACT to provide for the payment to John A. King the amount of money paid by him for the troops stationed at Quarantine, Staten Island.

Passed March 1, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, to John A. King, out of any money in the treasury not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as has been expended, and interest thereon, from the seventh day of October last ; the said amount of twenty-five thousand dollars being the sum borrowed by him, with the concurrence of the comptroller and the attorney-general, from the Manhattan Company of the city of New York, to pay the expenses of the troops called into the service of the state to protect its property, at the quarantine ground, Staten island, and to preserve the public peace.

§ 2. The comptroller shall require, before issuing his warrant for the same, properly authenticated vouchers to be furnished him that the amount has been expended for the purposes indicated in this act.

§ 3. This act shall take effect immediately.

Chap. 24.

AN ACT to authorize the board of supervisors of the county of Clinton to change the site of the county poor-house buildings.

Passed March 1, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the county of Clinton, at any annual or special meeting of said board, by the affirmative vote of two-thirds of all the members elected, may remove the county poor-house to any part of the said county, and for that purpose may designate and purchase a new site for the poor-house buildings, and cause the necessary buildings to be erected upon the site so designated.

§ 2. In case of such removal, the said board of supervisors, by the affirmative vote of two-thirds of all the members elected, are authorized to sell and dispose of all and singular the poor-house farm and its appurtenances, situate in the town of Beekmantown, upon such terms as they shall deem advisable.

§ 3. This act shall take effect immediately.

Chap. 25.

AN ACT in relation to a bridge across Buffalo creek, in the county of Erie.

Passed March 1, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisors of the county of Erie are hereby required to cause to be raised by tax upon the towns of Marilla and Elma, in said county, for the pur-

Supervisors
to tax towns
of Elma and
Marilla.

pose hereinafter mentioned, the sum of two thousand dollars, one half to be raised in the tax of eighteen hundred and fifty-nine, and the other half in eighteen hundred and sixty; the sum of eight hundred dollars to be raised by the town of Marilla, and the sum of twelve hundred dollars by the town of Elma.

To be paid
to commis-
sioners, &c.

§ 2. The amount named in the preceding section, when collected, shall be paid into the hands of the commissioners hereinafter named, for the purpose of building a bridge across the Big Buffalo creek, at the place called Bullis Mills, in the town of Elma.

Commis-
sioners.

§ 3. Clark W. Hurd, Lewis M. Bullis and James R. Jackman, are hereby appointed commissioners for building said bridge, who shall, before entering on the duties of their office, take and subscribe an oath for the faithful discharge of their duties, and shall render an account to the board of supervisors of the amount received and disbursed by them.

§ 4. Said commissioners shall receive the same compensation for their services as road commissioners of towns, and the same shall be audited and paid by the county as other county charges, and the amount so paid be charged equally to the towns before mentioned.

§ 5. This act shall take effect immediately.

Chap. 26.

AN ACT relating to the term of office of the county treasurer of the county of Monroe.

Passed March 4, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county treasurer of the county of Monroe shall enter upon the duties of his office on the first Tuesday in October next after his election. The present treasurer of said county shall continue in office until, and including, the Monday before the first Tuesday in October, in the year eighteen hundred and sixty-one.

§ 2. Any vacancy happening in the office of county treasurer of the county of Monroe, shall be filled by appointment by the board of supervisors, until the first Tuesday in October succeeding the next general election thereafter.

Chap. 27.

AN ACT to extend the charter of the fire department of the city of Albany.

Passed March 4, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to amend and combine into one act the several acts relating to the fire department of the city of Albany," passed February eighth, eighteen hundred and forty-four, and all acts and parts of acts relating to the said corporation, which are now in force, are hereby continued in force until the first day of May, eighteen hundred and eighty, unless sooner altered, modified or repealed by the legislature.

Chap. 28.

AN ACT to incorporate the Oswego City Savings Bank in the city of Oswego.

Passed March 4, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. William H. Herrick, Stephen H. Lathrop, William H. Wheeler, Thomas Kingsford, Royal L. Mack, William O. Hubbard, Orville J. Harmon, John N. Collins,

Body corporate.

Enoch B. Talcott, Joel Turrill, and Sylvester Doolittle, and their successors, shall be, and they are hereby constituted a body corporate and politic, by the name of the "Oswego City Savings Bank," to be located in the city of Oswego, and by that name they shall have perpetual succession, and may sue and be sued in any court whatever.

Real estate.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be :

1. Such as may be requisite for its immediate accommodation, for the convenient transaction of its business.

2. Such as shall be embraced in any mortgage that the said corporation may, in good faith, become the holder or owner of, in the due course of its business, in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgment or decrees, obtained or rendered in favor of said corporation ; and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose. And all such real estate as is described in the second and third subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise. And the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or commodities, whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation, for the convenient transaction of its business.

§ 3. The trustees of said corporation shall not, as such, directly or indirectly, receive any pay or emolument for their services.

Trustees.

§ 4. The business of said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit. A majority of the trustees at any time in office, if such majority is not less than five, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business, and the affirmative vote of at least five members of the board shall be requisite in making any order for, or authorizing the investment of any

moneys, or the sale or transfer of any stock or securities belonging to the corporation, or for the appointment of any officer receiving any salary therefrom.

§ 5. The persons named in the first section of this act shall be the first trustees of said corporation, and all vacancies by death, resignation, or otherwise, in the office of trustees, shall be filled by the board, by ballot, without unnecessary delay, and at least five votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting, at least once in three months, to receive the reports of their officers, as to the business and affairs of the corporation, and to transact such business as may be necessary. The supreme court may, at any time, for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

First trustees.

§ 6. The general business and objects of the corporation hereby created, shall be to receive on deposit such sums of money as may be, from time to time offered therefor, by farmers, merchants, mechanics, clerks, seamen, laborers, minors, servants and others, and investing the same in or loaning the same upon the securities or stocks or bonds, or other evidences of debt authorized by law of the state of New York, or of the United States, or of the county or city of Oswego; or bonds not exceeding five thousand dollars each, in amount, secured by mortgage on unincumbered, improved and productive real estate, located within the county of Oswego, worth at least double the amount secured thereby, exclusive of any buildings thereon, or in such other manner as is authorized by this act, for the use, interest and advantage of said depositors and their legal representatives; and the said corporation shall receive as deposits, from persons of the description above mentioned, all sums of money not less than five cents nor exceeding in the aggregate one thousand dollars from any one individual, which may be offered for the purpose of being invested as aforesaid, which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositors, when required, at such times, with such interest, and under such regulations as the board of trustees shall, from time to time, prescribe; which regulations shall be put up in some public and conspicuous place in the

General business.

Officers not
to borrow
money.

rooms where the business of said corporation shall be transacted. No president, vice-president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation or its deposits, or in any manner use the same or any part thereof, except to pay necessary expenses and outlays of said corporation, under the direction of the said board of trustees. All certificates or other evidences of deposit, made by the proper officer of such corporation, shall be as binding upon the corporation as if they were made under their common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to depositors so that they shall receive as nearly as may be, a rateable proportion of all the profits of said corporation, after deducting all necessary expenses. In all cases of loans on real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower; and all expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest, as soon as practicable, as provided for in this act, all sums received by them beyond an available fund of not exceeding fifty thousand dollars, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct; but this corporation is hereby prohibited from loaning the money deposited with them, or any part thereof, upon notes, bills of exchange, drafts or any other personal securities whatever, except as herein otherwise specially authorized.

Securities,
&c.

§ 7. The board of trustees shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations, as they shall judge proper, for the election of their officers, for prescribing their respective functions and the mode of discharging the same; for the regulation of the times of meeting of the officers and trustees; and generally, for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this state or of the United States.

§ 8. The board of trustees may appoint such subordinate officers and agents of the said corporation as they may deem necessary; who shall give such security, respectively, for their fidelity and good conduct, as the board of trustees may, from time to time, require; and said board shall fix the salaries of such officers and agents.

Subordi-
nate officers

§ 9. The books of said corporation shall, at all times during its hours for business, be open for inspection and examination to the superintendent of the banking department of this state, and such other persons as the legislature or said superintendent shall designate for that purpose.

Books.

§ 10. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of or payment of the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or if the said minor was of full age, if such deposit was made personally by such minor.

Deposits by
minors, &c.

§ 11. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

§ 12. The said trustees are hereby permitted to make deposits of their individual funds in said corporation, upon the same terms and with the same rights as other depositors.

§ 13. The supreme court may at any time, on the application of any trustee or depositor in said institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and be subject to the examination of such person or persons; and the trustees, officers and clerks thereof, or any other person may be examined on oath by such person or persons; and the said court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and busi-

Supreme
court may
appoint per-
sons to ex-
amine affairs.

ness of said corporation. The said person or persons so appointed shall report the result of their investigation to the said court; who, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

Trustees to
make report

§ 14. The board of trustees shall, on or before the twenty-fifth day of January, and twenty-fifth day of July, in each year, make such report to the superintendent of the banking department as is required by law, and shall be subject to all the provisions and requirements of the act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty-seven, and also subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, as far as the same are or may be applicable.

§ 15. This act shall take effect immediately.

Chap. 29.

AN ACT authorizing persons convicted before magistrates or courts of special sessions of the peace, in the town of Waterford, in the county of Saratoga, and sentenced to imprisonment in the county jail, at hard labor, to be transported directly to the Albany penitentiary.

Passed March 5, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All persons hereafter convicted by or before any magistrate or court of special sessions of the peace, in the town of Waterford, in the county of Saratoga, of any offense or crime, and sentenced to imprisonment in the county jail, at hard labor, may be taken by any constable of said town of Waterford, directly to the

Albany penitentiary, by the most usual and direct route, and the keeper of said penitentiary is required to receive and detain such persons, the same as if the warrants of commitment had been placed in the hands of the sheriff of the said county of Saratoga.

§ 2. This act shall take effect immediately.

Chap. 30.

AN ACT to extend the time for the collection of taxes.

Passed March 5, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any collector of taxes in any of the towns of this state, and in the city of Oswego, by complying, within ten days after the passage of this act, with the first section of an act entitled "An act authorizing the extension of time for the collection of taxes in the several towns and cities of this state, except so far as that act requires a compliance with its conditions within ten days after the time which is now or shall hereafter be provided by law for the collection of taxes," passed January thirty-first, eighteen hundred and fifty-seven (except such cities as are exempt by the second section of said act, with the exception of the city of Oswego), may have the time for the collection of taxes extended to a period not later than the first Monday of April, eighteen hundred and fifty-nine, and the warrants already issued to the collectors shall, for this purpose, continue in full force and effect till that date.

§ 2. This act shall take effect immediately.

Chap. 31.

AN ACT to discontinue part of a public highway in the town of Goshen, Orange county.

Passed March 7, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that part of the public highway situated in the town of Goshen, in the county of Orange, leading from the village of Goshen to the east division of said town, described as follows, viz. : Beginning where said highway intersects Main street in said village, near the dwelling-house on the premises lately belonging to Egbert Tansen, deceased, and extending thence eastwardly to the intersection of a new road, lately laid out and opened on the said premises, with the said highway, and embracing the whole of said highway between said two points of intersection, is discontinued as a public road or highway.

§ 2. This act shall take effect immediately.

Chap. 32.

AN ACT to regulate the collection of taxes in the town of Watervliet, in the county of Albany, and for other purposes.

Passed March 7, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Town to be divided.

SECTION 1. The supervisor, assessors and town clerk of the town of Watervliet, in the county of Albany, shall, at their meeting on the first Monday of March in each year, for the purpose of making alterations in the election districts of said town, for the election of officers thereof, also divide the said town into two or more col-

lection districts, for the collection of town, county and state taxes; and they may change the boundaries of such collection districts, from time to time, as may be deemed necessary.

§ 2. The legal voters of the said town of Watervliet shall hereafter, at each annual election of town officers held therein, elect, in the manner now provided by law, one collector of taxes for each collection district established, as in this act prescribed, whose jurisdiction as such collector shall extend to such collection district of said town as may be assigned to him by the said supervisor, assessors and town clerk of said town, or by a majority of them. Each of the said collectors so to be elected shall possess all the powers, and be subject to all the duties and liabilities, now provided by law in respect to the collectors of taxes in towns.

Collector of taxes for each district to be elected.

§ 3. When any collection district shall be established in said town by virtue of the provisions of this act, and as often as any change may be made in the limits of any such district, the same shall be numbered and described by known boundaries; and the clerk of said town of Watervliet shall make a record thereof, and deliver a copy of such record, certified by him, to each of the assessors of the said town, within ten days after the entry of such record.

Districts to be numbered.

§ 4. The assessors of said town, in making up their assessment rolls, shall prepare one for each of the collection districts that may be established, from time to time, under the provisions of this act, and annex thereto a certificate and affidavit in the form now required by law; and such roll, when completed, shall be delivered to the supervisor of said town of Watervliet.

Assessors' duties.

§ 5. All acts and parts of acts, so far as they are inconsistent or conflicting with the provisions of this act, are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 33.

AN ACT to expedite the canvass of votes for senator in the twenty-ninth senate district of this state, at a special election to be held in said district, on Tuesday, the fifteenth day of March, one thousand eight hundred and fifty-nine, under proclamation by the governor.

Passed March 7, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of county canvassers in the county of Niagara, the board of county canvassers in the county of Orleans, and the board of county canvassers in the county of Genesee, shall each meet at the office of the clerk of their respective counties, and canvass and determine the number of votes given at the said special election for senator, on the Thursday next following said election.

§ 2. The clerk of the county of Niagara, the clerk of the county of Orleans, and the clerk of the county of Genesee, shall each transmit a certified copy of the certificate of the determination of their respective boards of county canvassers, to the secretary of state, by mail, immediately after the completion of the said canvass.

§ 3. The secretary of state shall, without delay, on the receipt of the said certificates, place them on file in his office, and immediately give official notice to the presiding officer of the senate that the person having the greatest number of votes, as shown by the aggregate of the aforesaid certificates of the county canvassers, is duly elected senator in the twenty-ninth senate district.

§ 4. The provisions of the act of eighteen hundred and forty-two, as amended by the act of eighteen hundred and forty-seven, in relation to county and state canvassers, so far as they are inconsistent with this act, are hereby declared inoperative and inapplicable to this special election.

§ 5. It shall be the duty of the secretary of state, immediately upon the passage of this act, to transmit to the

clerks of the counties of Niagara, Orleans and Genesee, each respectively, one hundred and fifty copies of this act, for the use of the several towns in their respective counties.

§ 6. It shall be the duty of the clerk of the county of Niagara, the clerk of the county of Orleans, and the clerk of the county of Genesee, immediately upon the reception of the said copies of this act, to distribute to each of the supervisors and town clerks in their respective counties, one copy each of the same.

§ 7. This act shall take effect immediately.

Chap. 34.

AN ACT to amend section one of chapter two hundred and sixteen of the laws of eighteen hundred and fifty, in relation to the Troy Savings Bank.

Passed March 7, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter two hundred and sixteen of the laws of New York, passed April eighth, eighteen hundred and fifty, is hereby amended by striking out the words "three thousand dollars to any one person," and substituting therefor the words "five thousand dollars in any one loan."

SECTION 2. This act shall take effect immediately.

Chap. 35.

AN ACT to authorize the trustees of the village of Newburgh to open North street, and to assess and collect the damages and expenses for laying out, opening and grading said street.

Passed March 7, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Trustees to
lay out
street.

SECTION 1. The trustees of the village of Newburgh, are hereby authorized and empowered to lay out and open a street in said village to be known as North street, commencing on the west side of the Hudson river, and extending westerly to Liberty street, the north line of said North street to be the north line of the corporate limits of the village of Newburgh ; and to cause said street to be graded, leveled, paved, repaved or macadamized.

Trustees to
apply to su-
preme court

§ 2. Whenever any ordinance shall be passed by said trustees, laying out and opening said North street as above authorized, the said trustees shall apply to the supreme court for the appointment of three discreet, respectable and disinterested persons as commissioners, to estimate and assess the expense of such improvement, and the damages and benefits to be sustained and derived therefrom by the owners of such lands and buildings as may be affected thereby, whether such lands and buildings are located without or within the corporate limits of the village of Newburgh. And the same proceedings shall be had for the assessment and collection of the damages and expenses caused by laying out and opening North street, as are provided and authorized in chapter four hundred and fifty of the laws of eighteen hundred and thirty-six ; but the said damages and expenses shall be assessed upon and collected from all lands and buildings benefited by such improvement, whether lying outside of, or within the corporate limits of said village ; and all the provisions of said chapter four hundred and fifty of the laws of eighteen hundred and thirty-six, in relation

Expenses of
street, &c.

to the assessment and collection of the damages and expenses caused by laying out and opening streets, and are hereby made applicable to all lands to be affected by laying out and opening said North street, and located outside of the corporate limits of the village of Newburgh, as well as to lands located within such corporate limits.

§ 3. Whenever the said trustees shall pass any ordinance directing said North street to be graded, leveled, paved, repaved, macadamized, they shall determine the amount to be assessed for such improvement; and the assessors of said village shall assess the amount directed by said trustees to be assessed for such improvement, on all the real estate in the vicinity of such improvement, deemed by them to be benefited thereby, as well outside as within the corporate limits of said village, in *proportion to the benefits resulting thereto, as nearly as may be; and all sums so assessed shall be collected in the same manner as directed in relation to assessments for taxes, in the thirty-third section of chapter four hundred and fifty of the laws of eighteen hundred and thirty-six; and all the provisions of the said chapter in relation to the assessment and collection of the expenses of grading, leveling, paving, repaving and macadamizing of streets are hereby made applicable to all lands and property which may be benefited by grading, leveling, paving, repaving or macadamizing of said North street, and lying outside of the corporate limits of said village, as well as to lands so benefited and lying within such corporate limits.

Whenever ordinance is passed to assess tax, &c., the same to be collected.

§ 4. This act shall take effect immediately.

* So in the original.

Chap. 36.

AN ACT to enable agricultural and horticultural societies to extend a more perfect protection to their property and the property of exhibitors at fairs, and to allow the board of managers to appoint a police for that purpose.

Passed March 7, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of managers or executive committee of any agricultural or horticultural society of this state, is hereby authorized to appoint as many citizens of this state policemen, as shall be necessary for their exhibitions, whose duty it shall be to preserve order within and around the grounds of said society, to protect the property within said grounds, to eject all persons who shall be improperly within the grounds of said society, or who shall be guilty of disorderly conduct, or who shall neglect or refuse to pay the fee or observe the rules prescribed by the society. Said policemen shall have the same power, during the time said exhibition shall continue, that a constable may have by law, in serving criminal process and making arrests, and in addition may arrest any person for the commission of any offense mentioned in section two.

§ 2. Any person who shall willfully injure or destroy the property of exhibitors, visitors or lessees on the fair grounds, or shall hinder or obstruct the officers and police in the performance of their duties, or shall wrongfully or maliciously gain admission to the fair grounds contrary to the rules of said society, or without paying the established fees during any fair of such society, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than one nor more than twenty-five dollars, or imprisonment not exceeding thirty days, at the discretion of the court before whom the offender may be tried; and all fines imposed and collected under this section, shall be immediately paid into the treasury of such agricultural or horticultural society, for its use and benefit.

§ 3. No town or county shall be liable to pay said policemen for services rendered under this act.

Chap. 37.

AN ACT to prevent and punish prize fighting.

Passed March 7, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly. do enact as follows :

SECTION 1. Every person who shall, in this state, set on foot, instigate, promote, aid, abet or encourage, or do any act towards the furtherance of any premeditated contention or fight, between two persons, commonly called ring or prize fights, to be engaged in either within or without this state; and every person who shall, in this state, send, in writing, or publish any challenge, or an acceptance of any challenge for such contention or fights; and every person who shall in this state train or assist any person in training for any such contention or fight, and every inhabitant of this state who shall go out of this state to engage or take part in, or to be present at such contention or fight, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not less than six months, nor longer than one year; or, by fine, not less than two hundred dollars, nor more than one thousand dollars, or by both fine and imprisonment.

Persons to be arrested when engaged in fights, &c.

§ 2. If it shall be made to appear to any magistrate having power to hear complaints in criminal cases, that there is reasonable ground to apprehend that an offense within any of the specifications of the preceding section is about to be committed, such magistrate shall issue his warrant to the sheriff or constable in the county of such magistrate's residence, for the arrest of the person or persons so about to offend; and upon such person being brought before him, such magistrate shall inquire into the matter, and if it shall appear that there is reasonable

Warrant to be issued and examination to be had.

Penalty.

ground to apprehend that such person was about to commit any offense specified in the preceding section, he shall require such person to enter into a bond to the people of the state of New York, in such sum not exceeding one thousand dollars, as such magistrate shall fix, that such person will not for the space of one year offend against any of the provisions of this act; such bond may, in the discretion of the magistrate, be required to be with sureties, to be approved of by such magistrate, or may be taken without surety.

If such person shall omit or refuse to enter into such bond, the magistrate shall commit such person to the county jail, there to remain until discharged by a court of record having criminal jurisdiction.

§ 3. Any person committed, under the last section, to the county jail, may at any time, upon habeas corpus, be discharged from his imprisonment, by executing the bond directed by the committing magistrate; if such bond was required to be with surety, the officer taking the same shall approve of the surety,

Duties of
sheriffs,
constables,
&c.

§ 4. It shall be the duty of all sheriffs, constables, policemen and watchmen who shall have reasonable grounds to believe that any offense specified in the first section of this act is about to be committed within their jurisdiction; to make complaint under the provisions of this act, to some magistrate within their jurisdiction, and if any sheriff, constable, policeman or watchman shall willfully neglect his duty in this respect, he shall be, upon conviction, deemed guilty of a misdemeanor, and shall also forfeit his office.

§ 5. This act shall take effect immediately.

Chap. 38.

AN ACT to divide the county of Oswego into three school commissioner districts, and to provide for the appointment of a school commissioner therein.

Passed March 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county of Oswego shall be and is hereby divided into three school commissioner districts, to be designated as districts numbers one, two and three. District number one shall consist of the towns of New Haven, Scriba, Volney, Granby, Hannibal and Oswego; the school commissioner for which, during the year one thousand eight hundred and fifty-nine, shall be appointed in the same manner and hold his office for the same length of time as is provided for in case of a vacancy, by the Session Laws of one thousand eight hundred and fifty-six, chapter one hundred and seventy-nine, section nine, of said law. District number one.

§ 2. District number two shall consist of the towns of Palermo, Schroepfel, Hastings, West Monroe, Constantia, Parish and Amboy; and the school commissioner elected November third, one thousand eight hundred and fifty-seven, for district number one, of said county, shall be the commissioner for district number two, created by this act, and for no part of any other district, for the remainder of the term for which he was elected. District number two.

§ 3. District number three shall consist of the towns of Albion, Boylston, Orwell, Redfield, Richland, Sandy Creek, Williamstown and Mexico, and the school commissioner elected November third, one thousand eight hundred and fifty-seven, for district number two, of said county, shall be the commissioner for district number three, created by this act, and for no part of any other district, for the remainder of the term for which he was elected. District number three.

§ 4. After the passage of this act the county of Oswego, including the city of Oswego, shall not receive more

than fifteen hundred dollars, in any one year, from the United States deposit fund, for commissioners' salaries, until said county shall be entitled to four members of assembly.

§ 5. The commissioners and their successors in office mentioned in this act, shall be subject to the provisions of section twelve, chapter one hundred and seventy-nine of the Laws of eighteen hundred and fifty-six.

§ 6. This act shall take effect immediately.

Chap. 39.

AN ACT to amend the act entitled "An act in relation to draining certain lands in the town of Granby, in the county of Oswego," passed April sixth, eighteen hundred and fifty-seven.

Passed March 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of the act entitled "An act in relation to draining certain lands in the town of Granby, in the county of Oswego," passed April sixth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

Commis-
sioners,
when ap-
pointed by
county
judge.

§ 3. There shall be appointed by the county court of the county of Oswego, on the petition of any three freeholders of the town of Granby in said county, three commissioners for the purposes specified in this act. If a vacancy in the office of commissioner shall at any time exist, by refusal to serve, by resignation tendered in writing to the county judge of the county of Oswego, or by reason of any legal disability, the owners of the lands referred to in this act, or any five of them, may present a petition duly verified to said county judge, setting forth the facts, and praying for the appointment of some competent person to fill such vacancy.

§ 2. The fourth section of said act is hereby amended so as to read as follows:

Appoint-
ment to be

§ 4. Thesaid county judgeshall, by instrument in writing,

under his hand and seal, make such appointment, which shall be recorded in the Oswego county clerk's office. Any commissioner appointed by said judge shall, before entering upon his duties, take the constitutional oath of office, which shall be filed in said county clerk's office; whereupon such commissioners shall have the powers and perform the duties specified in this act.

recorded in
county
clerk's
office.

§ 3. The seventh section of said act is hereby amended so as to read as follows:

§ 7. 1. After lowering said lake and its outlet, as contemplated by this act, the commissioners shall post a printed notice in not less than ten public places in said town of Granby, calling on all who may consider themselves injured by said work, to present to said commissioners, in writing, a statement of their respective claims for damages, and the grounds of such claims.

Duties of
commissioners.

2. Any damages resulting as a consequence of draining the lands referred to in this act, by lowering said lake and its outlet, being claimed in manner aforesaid, shall be justly and equitably estimated by three commissioners, acting as appraisers, to be appointed by the supreme court, sitting in the fifth judicial district, at a special term thereof, on the petition of the commissioners, or on the petition of any person or persons claiming such damages, upon serving on said commissioners a copy of said petition, together with a notice of the time and place of making such application, at least ten days before the setting of the court at which the application is to be made.

Damages to
be estimat-
ed by ap-
praisers ap-
pointed by
supreme
court.

3. The said appraising commissioners shall, before entering upon their duties, take the constitutional oath, which shall be filed in the county clerk's office; they shall give due notice to the parties, of the time and place of their meeting to consider claims for damages; they shall examine the premises in question, and shall have authority to issue subpoenas to compel the attendance of witnesses, and to administer oaths to witnesses; they shall hear the proofs and allegations of the parties, and shall make an award in writing in each case submitted to them, a copy of which they shall deliver to the said commissioners, a copy to the claimant, and a copy shall be filed in said county clerk's office. Said appraising commissioners shall be entitled to two dollars each per day

Powers and
duties of ap-
praising
commis-
sioners.

for their services. Witnesses attending before said appraisers shall be entitled to the same fees as are provided by law for witnesses attending trials in courts held by justices of the peace.

**Aggregate
damages.**

4. The aggregate of damages awarded by said appraisers appointed under this act, together with the costs and expenses of ascertaining such damages, shall constitute a part of the expenses of the work contemplated by this act.

**Expenses,
&c.**

5. The commissioners appointed to carry out the provisions of this act shall assess the expenses incurred by them in the performance of their duties, including interest on sums advanced by them to execute said work upon the land referred to in this act; said assessment shall be justly and equitably made upon said land, designating parcels and ownerships as far as may be known to said commissioners, in proportion to the benefits adjudged by the said commissioners to result to the several parcels from the reduction of said lake and its outlet; the aggregate of said expenses shall be a lien on the lands benefited thereby.

**Map and as-
sessment to
be filed.**

6. When said assessment is completed, one copy thereof, with a map and description exhibiting each parcel or ownership, duly verified, shall be filed in the Oswego county clerk's office, and a like copy, together with a copy of the report of the doings and proceedings of said commissioners, as required by the eleventh section of said act, with the clerk of the village of Oswego Falls.

**Canal to be
under care
of commis-
sioners of
highways,
&c.**

§ 4. After the commissioners shall have fulfilled all the requirements of the said act, as the same is hereby amended, the canal formed by them in the outlet of said lake shall be subject to the care and supervision of the commissioners of highways of the town of Granby, so far as may be needful to prevent obstructions therein, and to preserve its width, and the grade of the bottom of said canal, as determined by the commissioners.

**Obstruc-
tions to be
removed.**

The said commissioners shall have the right, and it shall be their duty, from time to time, as necessity may require, by themselves or their agents, to enter upon said canal for the purpose of removing unlawful obstructions or casual deposits; and the said commissioners shall have power to assess, from time to time, upon the lands refer-

red to, and to collect, in the manner aforesaid, all expenses incurred by them in discharging the duties herein prescribed.

§ 5. This act shall take effect immediately.

Chap. 40.

AN ACT to amend an act authorizing the election of a police justice in the village of Peekskill, and for other purposes.

Passed March 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act authorizing the election of a police justice in the village of Peekskill, and for other purposes," passed March eighth, eighteen hundred and fifty-four, is hereby repealed, except section eight of said act, which is hereby amended as follows:

It shall be the duty of the trustees of the village of Peekskill to maintain and keep in order the lock-up or temporary jail in said village, at the expense of the corporation of said village, for the safe keeping and confinement of persons; and the justices of the peace of the town of Cortlandt are hereby authorized to commit to said lock-up or jail, all culprits or criminal offenders whose term of imprisonment shall not exceed thirty days, and all persons whom it may be proper and necessary to confine, to await examination on charge for criminal offences; and it is hereby made the duty of said trustees to appoint a jailor, who shall provide proper sustenance or maintenance for all persons confined therein; all charges for the same are to be laid before the board of supervisors of the county of Westchester, whose duty it shall be to audit, assess and pay the same, as other county charges are audited, assessed and paid.

Duties of trustees in regard to lock-up.

SECTION 2. This act shall take effect on the last Tuesday in March, eighteen hundred and fifty-nine.

Chap. 41.

AN ACT to authorize the stockholders of the Buffalo City Bank to reduce the capital stock of said bank.

Passed March 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Buffalo City Bank is hereby authorized, by resolution of its board of directors, to reduce its capital stock to any amount not less than one hundred thousand dollars, provided that, before such reduction shall take effect, a certificate that the capital has been so reduced, signed by two-thirds of the board of directors, duly acknowledged or proved before a commissioner of deeds, or judge of a court of record, shall be filed in the office of the secretary of state, and a duplicate thereof in the office of the clerk of the county of Erie ; and provided further, that a majority in amount of the stockholders shall consent to such reduction, which consent shall be in writing and annexed to the said certificate.

SECTION 2. Nothing in this act contained shall in any way change or lessen the liability of the stockholders of the said bank to the bill-holders or other creditors thereof, on any indebtedness or engagement now existing against said bank, or that may so exist, either absolutely or contingently, prior to the time when such reduction shall take place.

SECTION 3. This act shall take effect immediately.

Chap. 42.

AN ACT to change the name of William Johnson and Lizzie Jane Morrison to Willie John Parker and Lizzie Jane Parker.

Passed March 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the passage of this act, William Johnson and Lizzie Jane Morrison, of Parishville, St. Lawrence county, adopted children of John W. Parker, shall be known and designated, respectively, by the names of Willie John Parker and Lizzie Jane Parker, and the said Willie John Parker and Lizzie Jane Parker are hereby declared to be the legal heirs and representatives of the said John W. Parker and Levina E. Parker, his wife, to the same extent and effect as though they were their own natural children.

§ 2. This act shall take effect immediately.

Chap. 43.

AN ACT to incorporate the Mercantile Library Association of the city of Brooklyn.

Passed March 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The members of the Mercantile Library Association of the city of Brooklyn, and all persons who shall hereafter be associated with them, are hereby created a body corporate, by the name of the "Mercantile Library Association of the city of Brooklyn," for the purpose of establishing and maintaining a library, reading room, literary and scientific lectures and classes, and

Corporate
body.

Powers of.

other means for promoting mutual improvement, with power for such purpose to take by purchase, devise, or otherwise, and to hold, transfer, mortgage and convey real and personal property; and, also, further to take, hold and convey all such books, cabinets, library, furniture and apparatus as may be necessary for attaining the objects and carrying into effect the purposes of the said corporation, not to exceed in the aggregate, of real and personal property, the value or sum of one hundred thousand dollars.

Officers, &c.

§ 2. The control and disposal of the funds, property and estate, and the direction and management of the affairs of the said corporation, shall be vested in a board of fourteen directors, of which board the president, vice-president, corresponding secretary, recording secretary, and treasurer, shall be members, all of whom, and three inspectors to serve at the next succeeding election, shall be elected annually, at the time and the manner provided for by the constitution of the said corporation, and shall hold office until their successors shall be elected.

Board of directors.

§ 3. The board of directors, including the officers of the said association at the time of the passage of this act, shall continue to hold their said respective offices as the directors and officers of the corporation hereby created, until the annual election to be held on the Thursday next succeeding the last Thursday in March, eighteen hundred and sixty; and all property, real or personal, funds or securities now held by the said directors or officers, or either or any of them, or any other person or persons in trust for the said association, or for the use and benefit of the same, shall, by virtue of this act, vest in and become the property of, and may be sued for and recovered in the name of the corporation hereby created; and the said corporation shall assume and be liable for all contracts, agreements and liabilities which have been entered into or incurred previous to the passage of this act, by the directors or officers of the said association, or either or any of them lawfully acting in behalf of the said association.

Vacancies.

§ 4. All vacancies in the board of directors or any of the officers of the said corporation, which may from time to time happen, shall be filled as the said corporation shall in and by its constitution direct and appoint.

§ 5. The estate, property and funds of the said corporation shall be devoted solely to the general purposes and objects specified in the first section of this act; and while so used all of said property, except the real estate of the said corporation, shall be exempt from taxation. Estate,
property,
&c.

§ 6. The said corporation shall possess the powers and be subject to the provisions and liabilities of the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 7. This act shall take effect immediately.

Chap. 44.

AN ACT to incorporate the village of Moravia, in the county of Cayuga, and to repeal existing laws incorporating said village.

Passed March 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

SECTION 1. All that part of the town of Moravia, county of Cayuga, and state of New York, which is contained within the following bounds and limits, to wit: Beginning at the east or right bank of the Owasco inlet, where said bank is intersected by the north line of lot number eighty-two in said town; thence southerly along the said bank of said stream at its usual or mean height until it intersects the south line of the farm now owned by William B. Wormer, on lot number ninety-two in said town; thence easterly on said south line of said Wormer's farm to the east line of said lot number ninety-two; thence south on said lot line to the southwest corner of lands belonging to the estate of Triphena Cole; thence east on the south line of said Triphena Cole's land to the east line of lot number ninety-three; thence north on said lot Bounds.

line to the lands of Samuel Spafford; thence west to the southwest corner of Mary Day's land; thence north to the north line of said lot number ninety-three; thence west on said lot line to the center of the spring brook leading from a spring in Dwight Day's land; thence northerly in a direct line to and in such direction that it shall strike the small pond or raceway of the stone grist-mill at the south margin thereof, and at a point directly south of the center of the gap cut in the rocks and forming a waste weir to said grist-mill raceway; thence from that point on the south margin of said raceway up and along said south margin of said raceway and along the south bank of the mill-pond and creek, as the same winds and turns, till it intersects "Montville creek" at its junction with Dutch creek; thence across Montville creek and Dutch creek to the southeast corner of John Stoyell's farm; thence northerly along the right bank of said Dutch creek to the southeast corner of Silas B. Young's land, formerly known as the Cady lot, and along said Cady lot to the north line of lot number eighty-three, upon or near the summit of the right bank of Dutch creek; thence west along the north lines of lots number eighty-three and eighty-two, to the place of beginning, shall hereafter be known and distinguished by the name of "The village of Moravia."

Body corporate.

§ 2. The citizens of this state, from time to time inhabitants within the aforesaid bounds and limits, shall henceforth and forever be a body politic and corporate, in fact and in name, by the name of "The village of Moravia," by which name they and their successors may sue and be sued, complain and defend, answer and be answered unto, in all courts and places whatsoever; adopt and use a common seal, and alter it at pleasure, and take, hold, purchase, sell, assign and convey any personal or real estate, as the purposes of the corporation may require.

TITLE II.

OF OFFICERS AND ELECTIONS.

Officers.

§ 1. The officers of said village shall consist of five trustees, one clerk, one treasurer, and such other officers as are hereinafter authorized to be appointed or elected, all of whom shall be inhabitants of said corporation, and

qualified to vote therein, under this act; which said officers shall be elected at the annual meetings in said village, for the election of officers, or at special meeting in said village, duly notified to be held, in accordance with the provisions of this act, and shall hold their respective offices until the next annual election of village officers and until their successors are duly qualified.

§ 2. An election shall be held in said village, on the fifth of April, eighteen hundred and fifty-nine, for the election of said officers, at the house of Cordial S. Jennings, at which election, Guernsey Jewett, William Tallman and Amasa H. Dunbar, or a major part of them, shall be inspectors, and hold and conduct the same, and canvass the votes given thereat, and declare the result, in the manner prescribed in this act for other elections. Said inspectors shall also appoint a clerk of such election, who shall keep a poll list, and make accurate minutes of the proceedings of such election of the officers elected thereat, and enter the same in a book to be provided for that purpose, and which shall be paid for by said corporation.

Election-

§ 3. Every person residing in said village, who shall have been a resident thereof for thirty days next preceding any election under this act, and possesses the qualifications prescribed by the constitution, to authorize him to vote for election of officers, may vote at any election, held in pursuance of this act; but no person shall vote upon any proposition to raise a tax, or appropriate the same, at any meeting or election, unless he shall at the time be liable to be assessed for such tax.

Qualification of voters.

§ 4. An election shall be held on the first Tuesday in February, eighteen hundred and sixty, and in each year thereafter, for the election of such officers as are herein provided to be elected; the trustees for the time being, or a major part of them, shall be the inspectors of such election, and preside thereat. They shall canvass the votes given thereat; openly declare the result, and declare the persons receiving the greatest number of votes for the respective offices, duly elected to the respective offices to which they were chosen, and give a certificate of such result, signed by them, to the clerk of the corporation, who shall keep and record the same, in the book containing the proceedings of the corporation, which record shall be sufficient evidence of such result. The

Annual election.

term of office of said trustees and said other officers shall expire in one year next after such election; but all officers so elected shall continue to hold their offices and perform the duties thereof, until others shall be duly elected and qualified to succeed them. All elections of officers under this act shall be by ballot, and the person having the greatest number of votes for any office shall be declared duly elected; all laws relating to general elections of state officers, as far as the same are applicable, shall be deemed to apply to all elections under this act, and the inspectors of elections, under this act, shall possess the same power, in all respects, as near as may be, as inspectors of elections in towns possess.

Election
shall be by
ballot.

Treasurer
to give
bonds, &c.

§ 5. The treasurer shall, before he enters upon the duties of his office, execute a bond to "The village of Moravia," in such penalty and with such surety or sureties as the board of trustees of said village shall approve, conditioned that he will faithfully execute the duties of his office, and account for and pay all moneys received by him pursuant to the provisions of this act, which bond, with the approval of the board of trustees indorsed thereon, shall be filed with the clerk of said village.

Acceptance
of office.

§ 6. If any person who shall have been duly elected to any office in said village pursuant to this act, shall not within ten days thereafter, signify his acceptance of such office, either by filing his written consent or his official oath, when such oath is required, with the clerk of said village, his neglect so to do shall be deemed a refusal to serve. And if any person having been an officer in said village shall not, within five days after notification and request, deliver to his successor in office all books, papers, property and effects, of every description, in his possession or under his control, belonging to said village or appertaining to his office, he shall forfeit and pay for the use of said village, to be sued for and recovered in the corporate name of said village, the sum of fifty dollars, besides all damages caused by such neglect or refusal so to deliver.

Trustees to
appoint
president.

§ 7. The trustees shall, from time to time, appoint one of their number president of the board of trustees, who shall hold the office of president during the pleasure of said board; and it shall be his duty to preside at the meetings of the trustees, to call extraordinary meetings

of the trustees whenever he shall think proper, to receive complaints of any breach of the by-laws, to see that all by-laws, rules, regulations and ordinances are faithfully executed and preserved, and to prosecute in the corporate name (except where it is otherwise provided) for all offenses against such by-laws, rules, regulations and ordinances, and for all fines, penalties and forfeitures for the use of said village, and to do such other acts as the trustees may legally require him to do.

§ 8. The board of trustees may, from time to time, appoint a chief engineer and an assistant engineer of the fire department, one or more fire-wardens, one pound-master, and one or more overseers of highways in and for the said village, which said officers shall hold their offices respectively during the pleasure of the board of trustees, and no longer.

Chief engineer, &c.

§ 9. The clerk shall attend and act as clerk to all meetings and elections of the inhabitants, and all the meetings of the board of trustees, record their proceedings, keep all books and papers and the seal of the corporation, and deliver the same to his successor in office, on demand; and copies of all papers in his office, duly filed, and transcripts from records of the proceedings of the board of trustees, certified by him, under the corporate seal, shall be received in evidence in all courts and places, and shall have the like effect as if the originals were produced and proved; and for certifying the same he shall be entitled to receive six cents for each and every folio thereof from the person requiring the same. The books and papers in his custody shall always be open to the inspection of any and all persons. He shall attend to the publication and service of all notices, by-laws and ordinances, as the trustees shall direct; shall notify all officers of their election or appointment, and shall perform such other duties and acts as the trustees shall lawfully, from time to time, direct or ordain. He shall record all surveys made by the trustees, from time to time, of the boundaries of said corporation, and of all streets surveyed, laid out, altered, or determined or affected by order of said trustees, in a book to be provided for that purpose; and such record, or a copy thereof, duly certified by said clerk under said corporate seal of said village of Moravia, shall be sufficient evi-

Clerk to attend all meetings, &c.

Clerk shall publish all notices, &c.

dence in all courts and places of such surveys, determinations and other matters therein contained, and of the correctness thereof. And said trustees may allow to said clerk such compensation for his services as they shall deem proper, which compensation, when once fixed, shall not be altered by them so as to affect any clerk then in office; but such trustees shall perform their duties without compensation.

Poll list to be kept.

§ 10. The clerk shall keep a poll list of all persons voting at any election under this act, and in case of his necessary absence, he may depute some one to act in his stead, or the trustees may for the time being supply the vacancy.

Treasurer to receive all moneys.

§ 11. The treasurer shall receive all moneys belonging to said corporation, and pay out the same when properly required so to do, and shall render an account of the state of the finances to the trustees whenever required by them, and shall deliver all books, papers and property of the corporation in his possession or custody, or under his control, to his successor in office, on demand. No money shall be paid by the treasurer unless by a previous vote of the trustees, and upon a check of the clerk, countersigned by the president of the board of trustees for the time being; and the treasurer, in his settlement with the trustees, shall be allowed for no moneys except such as have been paid by him as aforesaid.

Vacancies how filled.

§ 12. Vacancies in the office of trustee, occurring in any manner, may be filled at a special election called and appointed by the trustees in office for the time being, and conducted in the same manner as at an annual election. Vacancies in all offices, except the office of trustee, shall be filled by appointment by the board of trustees. All appointments by the board of trustees under this act shall be by resolution, entered by the clerk in the minutes of their proceedings. In case of a failure to elect trustees at an annual election, or if from any cause there shall be no trustees, the clerk shall appoint the time and place for holding a special election in the usual manner, and appoint three inspectors of such election, who shall officiate as such; and in case there shall be no trustees and no clerk, any six inhabitants qualified to vote under this act may appoint an election and three inspectors thereof; and at any special election so called, or called for any

Special election.

other purpose, the said persons, clerk or trustees shall cause notice thereof to be given by posting such notice in six public places within said corporation, for at least two weeks prior to the time of holding any such election.

TITLE III.

THE TRUSTEES—THEIR POWERS AND DUTIES.

SECTION 1. The trustees shall have the control and management of all the finances, and of all the property belonging to the corporation, and shall have power within said village to make, establish, publish, alter, modify, amend and repeal all rules, regulations, ordinances and by-laws, for the following purposes, viz. :

Powers and
duties of
trustees.

1. To prevent vice and immorality, and to preserve the peace and good order of said village, to prevent and punish drunkenness and disorderly conduct in public streets and places, and to restrain and punish vagrants, mendicants, street beggars, common prostitutes and disorderly persons, and to restrain and suppress disorderly houses and houses of ill-fame, gaming-houses and instruments and devices for the purpose of gaming, billiard tables, nine or ten pin alleys, gun or ball alleys.

Regulations
and ordi-
nances.

2. To regulate auction sales.

3. To prohibit or regulate the rolling of hoops, playing at ball, flying of kites, sliding down hill on sleds, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams or horses in said village, and to regulate or prevent the firing of guns or pistols, fire-arms, the firing of crackers, rockets, squibs and fireworks in said village, or building any fire in any street in said village.

Ibid.

4. To restrain the running at large in said village of cattle, horses, swine, sheep, ducks and geese, by imposing such fine or fines therefor upon the owner, owners, possessor or possessors thereof, as they may think proper, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and costs of impounding and proceedings, and to appoint one or more persons to drive any of the animals found so running at large in said village to the pound and cause the same to be impounded, and to determine their fees and duties, and to

Ibid.

authorize any person or persons to drive any such animals to the pound from the streets of said village, or from any inclosure therein, when trespassing.

Regulations
and ordi-
nances.

6. To establish and regulate the public pounds, and to prescribe the powers, duties and fees of pound master or keeper, and to regulate or prevent the running at large of dogs in said village; and also to prevent any person from rescuing, or attempting to rescue, any animal authorized to be impounded by the by-laws of said village, from the person or persons while driving, or attempting to drive, the same to the public pound; and also to restrain and prevent any person or persons from breaking, or attempting to break, open the pound of said village, or otherwise to injure the same.

To prevent
horse-rac-
ing, &c.

7. To prevent horse-racing, immoderate driving or riding in any of the streets of said village, and to prevent and regulate the exhibition or exercise of any stallion or stallions in any of the public streets or places of said village.

Obstruc-
tions, in-
cumbrances
&c.

8. To prevent and remove all incumbrances, obstructions and encroachments, from any cause whatever, upon the public streets, bridges, public squares or grounds, sidewalks or crosswalks of said village, and to cause the same to be removed, and the streets to be cleaned, and to prevent riding, driving or leading any horse or horses, team or teams, or cattle, with or without a wagon, sleigh, or other carriage, on any sidewalk in said village.

Highway
taxes.

9. To apply so much of the moneys raised for highway taxes as they may deem necessary to defray and pay the expense of removing or scraping the snow, ice or dirt from the sidewalks in said village, from time to time.

Nuisances.

10. To compel the owner, or occupant or occupants, of any unwholesome house or place, to cleanse, remove or abate, or discontinue the use of the same whenever, in the judgment of the said trustees, it shall be necessary for the health, comfort or convenience of any of the inhabitants of said village.

Ibid

11. To determine what are nuisances, and to cause the same to be removed, destroyed, prevented or abated. To regulate slaughter-houses, and to direct or prevent the use or location of the same. To regulate the ringing of bells, and provide for the winding, repairing and keeping in order of a public clock. To erect hay scales in said

village, and appoint a weigher at the same, and prescribe his fees and duties.

12. To prevent or prohibit all exhibitions of any natural or artificial curiosities, caravans, or animals, circuses, theatrical, and other shows, exhibitions, or performances for money or other compensation, in said village, unless the trustees shall license the same on payment of not less than five, nor more than twenty-five dollars, for the exhibition of the same for not more than twenty-four hours.

Exhibitions

13. To direct the manner of making, grading, pitching, leveling, paving and repairing sidewalks in said village, and to direct the manner of making all other improvements authorized by this act, and to fix the grade of all sidewalks, and to require, direct and regulate the planting, setting and protecting ornamental or shade trees in any public square, grounds or streets of said village, and to furnish and fix penalties for the hitching of horses, or other animals, and for any injuries whatever to such trees, and to any and all public property of said village, and any property of public use or ornament in said village.

Grading,
&c.

14. To survey the boundaries of said village, to survey and determine the boundaries of the streets in said village, and to make and establish a map thereof, and file the same with the clerk, and to designate and alter the name or names of said streets, or either of them, as often as they may deem expedient, and to lay out, alter, or discontinue streets in said village in the same manner and with like effect as streets are now laid out, altered or discontinued by highway commissioners of towns.

Survey the
boundaries
of village.

15. To enter, and authorize others to enter, in the day time, any building in the said village in which shall be a fireplace, chimney, stove or stove pipe, for the purpose of examining the condition of the same, and to make such regulations in regard thereto as a proper security against fires, shall, in their judgment, be required from time to time, and to regulate the keeping of ashes in said village safely.

Guard
against
fire, &c.

16. To issue warrants for the collection of all taxes assessed and levied in said village, and for the collection of moneys unpaid for the making, grading, constructing, relaying or repairing sidewalks, authorized by this act, of

Warrants
for collection
of taxes.

the person who ought to pay the same, which shall be returnable in thirty days thereafter, and to renew the same when necessary.

Notice of
annual and
special elec-
tion.

17. To give notice in the manner required by law of the annual and special elections in said village, or cause the same to be done, and to preside at such elections.

Pound.

18. To procure the necessary ground, and to erect a pound thereon, and keep and repair the same. And to keep and maintain a watch by night in said village.

Overseers
of high-
ways.

19. To appoint or employ one or more persons to oversee the work done on the highway or streets of said village, and all other improvements which they are authorized to make, and to determine their duties and compensation.

Sewers, &c.

20. To regulate sewers and drains at the sides of and in the streets of said village, and to prevent and punish the obstruction or filling up of any sewer or drain of said village.

Fines and
penalties.

21. To cause prosecution upon any contract or liability in which the village is interested, or by fines or penalties imposed by this act. or by any by-law or ordinance of said village, and to enforce the collection thereof, and to settle or compound all suits, claims, ordinances, for or against the said village.

To employ
attorneys,
&c.

22. To employ attorneys and counsel in the prosecution or defense of any action by or against the said village, or for the transaction of any business of the village requiring professional skill, and to fix by agreement the amount of their compensation, and pay the same out of any moneys belonging to said village.

Snow or ice.

23. To compel the removal by the occupant of any snow or ice, or both, from the sidewalk in front of any lot, within such time after notice as they may direct.

Firemen.

24. To appoint and dismiss firemen, and members of hook and ladder companies, and to make regulations for their conduct and government.

25. To provide for the care, custody and preservation of the records and public papers of said village.

Special
meetings.

26. To call special meetings of the electors, when in their judgment it shall be required to carry into effect any resolution lawfully adopted at any meeting of said electors.

27. To see that officers of said village faithfully perform their duty, and to prosecute any official bond for a breach in the condition thereof.

28. To construct and regulate reservoirs, hydrants, water pipes, public pumps and wells, and to prevent unnecessary waste of water of the same. Reservoirs.

§ 2. The trustees of said village may make, publish, ordain and amend all such ordinances, by-laws and regulations, not contrary to any law of this state, as may be necessary to carry into effect the powers given to them by this act, and repeal the same, and enforce observance of all rules, regulations, resolutions, ordinances and by-laws made in pursuance of this act, by imposing a penalty or penalties, fine or fines, or forfeiture, on any person or persons, or corporations, violating the same, not exceeding for any single offense the sum of fifty dollars, to be recovered against the offender, with costs of suit, in a civil action, in any court having cognizance thereof. Every such ordinance, by-law or regulation imposing any fine, penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published in a newspaper printed in said village, in case there shall be one; if there shall be no newspaper printed in said village, then the clerk of said village shall post copies of such ordinance, by-law or regulation, in five public places in said village; and proof of such publication, by affidavit of the printer or publisher of such newspaper or of the said clerk, of the time and place of such posting, taken before any officer authorized to administer oaths, and filed with the clerk of said village, shall be sufficient evidence of such publication or posting in all courts; and every such resolution or by-law shall take effect only from the time of such publication or posting. Ordinances.

§ 3. It shall be the duty of the trustees, each and every year, at the place and time when the annual election or meeting is held, to exhibit at such meeting or election a statement of all moneys received by them or the treasurer, and the several sums paid out by them or under their direction, and for what purposes. Trustees to make statement of moneys, &c.

§ 4. The trustees, before entering upon the duties of their office, and each and every of them, shall take and subscribe, before some officer having power and authority to administer oaths, an oath or affirmation to support the Oath of office.

constitution of the United States and of the state of New York, faithfully to discharge the duties of the office to which they shall have been elected to the best of their ability; and a neglect to take and subscribe such oath for ten days after notification of the election, shall be deemed a refusal of the person so neglecting to serve.

Trustees to
prescribe
duties of
officers.

§ 5. The trustees shall have power, from time to time, to prescribe the duties of all officers and persons appointed by them under this act, subject to the provisions of this act, and may remove all such persons so appointed at any time.

TITLE IV.

ASSESSMENT, LEVYING AND COLLECTION OF TAXES—HIGHWAYS, SIDEWALKS, STREETS AND PUBLIC IMPROVEMENTS.

Taxes.

§ 1. The said village is hereby declared a separate road district and exempt from the superintendence of the commissioners of highways of the town of Moravia, and the trustees of said village shall be commissioners of highways for said village, and possess all powers given by any law of this state to the commissioners of highways of towns, as far as the same may be applicable; and the said trustees, for the purpose of improving the streets and bridges, may from time to time contract with or appoint an individual or individuals to superintend the work and procure the materials directed by said trustees to be done and procured in or for said district, and may compensate such individual for his services out of the highway taxes in the treasury; the said trustees having the direction as to the amount to be expended, and the work to be done, and the materials to be procured.

Who shall
pay tax., &c.

§ 2. Every person owning or occupying any land in said village, and every corporation in possession of any land in said village, and all lands owned by any non-resident of said village, of which there is no occupant, and every person or corporation being the owner or possessor of any personal estate in his, her or their own right, or as executor, administrator, trustee, assignee or guardian for another, and every male inhabitant above the age of twenty-one years, residing in said village at the time the assessment is made, shall be assessed to raise the sum deemed necessary by said trustees to make the streets,

bridges, sewers, ditches and sluices which shall be deemed necessary, and to repair and keep the same in repair in said village. If any person residing in said village shall be the owner or occupant of any lot, farm or piece of land lying partly within and partly without the boundaries of said village, the whole lot, farm or piece of land so owned or occupied shall be subject and liable to assessment and taxation within said village.

§ 3. The trustees shall meet within two weeks after they shall have been chosen, in said village, on such day and at such place as they may appoint, and afterwards at such times and places as they may choose, and determine the amount or sum of money which they shall deem necessary to defray the expenses attendant upon the making of streets, bridges, sewers, ditches, sluices and crosswalks in said village, and to repair and keep in repair the same, and for all other purposes for which this act provides, to be paid out of such tax for the ensuing year, who shall then or at some subsequent meeting, proceed to apportion such sum among the persons and property liable to pay the same, as follows: Every male inhabitant of said village above the age of twenty-one years (except ministers of the gospel and priests of every denomination, paupers, idiots, lunatics, and persons whom the said trustees may exempt by reason of indigence), shall be assessed at least the sum of fifty cents, as a poll tax.

Trustees to determine the amount necessary to make street, &c.

Poll tax.

§ 4. The residue of such sum shall be apportioned upon the estate, real and personal, of every inhabitant of such village, and every corporation therein, and land of which there is no occupant or owner residing in said village (excepting the real and personal estate of any religious society therein, and all property belonging to any school district therein, and property belonging to the said village, and except such portion of the property which by any law of this state is exempt, owned by any minister of the gospel).

Residue of assessment.

§ 5. To raise the tax provided for in the preceding section, the trustees shall first cause a roll of all persons and corporations, and non-resident lands liable to be assessed for such tax, to be made, together with the valuation of their real and personal estate, with columns prepared for the insertion of the poll tax and for the taxes upon said

Roll to be made.

Valuation
of prop-
erty.

real and personal estate; they shall then cause to be in such roll the poll taxes imposed upon the persons liable therefor; they shall then apportion the residue of the amount to be raised among the several persons and corporations, and upon the non-resident lands named in said roll, in proportion to the amount of real and personal estate assessed to each respectively. The valuations of taxable property shall be ascertained so far as possible from the then last assessment roll of the town of Moravia, which valuations said trustees shall insert upon their rolls, and no person shall be entitled to any reduction in the valuation of such property as so ascertained, unless he shall give notice of his claim to such reduction to the trustees of said village, or to one of them, before they shall have made out said roll.

In case of
reduction,
&c.

§ 6. In every case where such reduction shall be duly claimed, and in every case where the valuation of taxable property does not appear upon the said last assessment roll of said town, the trustees shall ascertain the true value of the property to be taxed, from the best evidence in their power, and when they shall have ascertained the same, as aforesaid, they shall give a written notice to the persons, corporation or corporations the valuation of whose property has been thus ascertained, except the owners of non-resident lands, personally or by leaving it at his, her or their place of residence or business, stating the amount of such valuation; and if he, she or they feel aggrieved thereby, the said trustees will meet at such time and place as they may designate in said notice, not less than five days from that day, to review the same, on which day and place said trustees shall meet, and if such person or persons, or corporation, or any one in his, her or their behalf, shall appear and apply to have such valuation reduced, it shall be the duty of said trustees to examine such person or persons so appearing, under oath to be administered by any one of the trustees, touching the value of the property thus ascertained, and after such examination they shall fix the value thereof as they may deem just; but if such person or persons so appearing shall refuse to be thus examined, or to answer any question as to the value of such property or the amount thereof, which said trustees shall deem pertinent and proper, the said trustees shall not reduce the value

App lication
for reduc-
tion of val-
uation.

thereof as by them before ascertained. The examination shall be taken in writing and subscribed by such person and filed by the clerk of said village; and any person who shall willfully swear falsely on such examination shall be deemed guilty of willful and corrupt perjury. The amount of tax to be paid by each person or corporation, and each property of a non-resident, shall be entered in appropriate columns; and when the taxes shall be entered therein, and properly corrected, the roll shall be signed by said trustees, or by the major part of them, and then filed with the treasurer of said village, and then the same shall be evidence in all courts and places of the imposition of the taxes therein contained; and the taxes therein apportioned upon or in respect to any real estate shall be a lien thereon for the space of three years from the time the tax roll is filed with the treasurer, unless previously paid or collected. A majority of said board of trustees shall be a quorum to transact all business in relation to the imposition, apportioning or levying of taxes under this act, and no tax or tax list or warrant shall be void, for the reason that the whole of the board of trustees were not present when the same were imposed, levied or apportioned; provided a majority of said trustees were present or finally adopted and signed the roll.

Roll.

Majority of trustees to be a quorum.

§ 7. Upon receiving the tax roll, the treasurer shall cause notices to be posted in five public places in said village, that such roll has been delivered to him, and that he will be ready at his office, between nine and twelve o'clock in the forenoon, and two and four in the afternoon of each day except Sundays, for thirty days, then next ensuing, to receive payment of the taxes thereon, and that persons paying their taxes within that time will be charged only one cent upon the dollar and all fractions of the dollar, for the collection thereof. The treasurer shall, for thirty days after posting said notice, or some person in his behalf, attend daily, as in said notice specified, to receive the taxes on such roll, with such commission; upon receiving any tax, the treasurer shall write "paid" on the margin of the roll, opposite to the tax so paid, and shall give the person so paying it, a receipt if required.

Notices to be published.

Treasurer to attend for receiving taxes.

§ 8. At the expiration of said thirty days, mentioned in the preceding section, the treasurer shall deliver to

After thirty days, &c.

said trustees the said tax roll in his hands, who shall then annex their warrant, under their hands and the seal of said corporation, directed to said treasurer, and deliver the same to him, authorizing and commanding him, within thirty days thereafter, to levy and collect the taxes thereon remaining unpaid, with five per cent upon the dollar and all fractions of a dollar, commission thereon; the said treasurer shall have and possess the like power and authority for levying and collecting the same under said warrant, as collectors of towns possess in the collection of taxes, and he shall make return thereof to said trustees within thirty days thereafter.

Compensation of treasurer.

§ 9. The treasurer may receive and retain for his own use, as compensation for his services rendered therein, the commissions mentioned in sections number seven and eight of this title.

Taxes unpaid.

§ 10. If any of the taxes mentioned in the tax roll shall remain unpaid, and the treasurer shall be unable to collect the same, he shall deliver to the trustees an account of the taxes so remaining unpaid, and upon making an affidavit before the trustees, or any one of them, who shall have authority to administer the oath to said treasurer, that the sum or sums mentioned in such amount remain unpaid, and that he has not been able, upon diligent inquiry, to discover any goods or chattels belonging to, or in possession of the person or persons, or corporation charged with, or liable to pay such sum or sums of money whereon he could levy the same, the treasurer, in his account with the trustees, shall be credited with the amount of such unpaid, uncollectable taxes, and shall thereupon deliver the said amount and his affidavit to said trustees at their next meeting.

Unpaid taxes to be published.

§ 11. Upon the return of any unpaid taxes imposed upon any real estate, to the trustees, they shall cause a copy of so much of the tax roll as contains them to be published in the newspaper printed and published in said village, once in each week, for four weeks successively (and in case there shall be no newspaper printed and published in said village, then the said treasurer shall cause the same to be posted in five public places in said village), with a notice that if said taxes are not paid to the treasurer within four weeks from the time of the first publication of said tax roll and notice (or of the posting

thereof), the lands, if any, upon which or in respect to which they are imposed, will be sold at a time and place therein specified, at public auction, to the person who will take the same for the shortest period and pay the taxes with the expenses incurred thereon and of the sale. At the time and place specified, the treasurer shall sell the same at public auction to the person who will take the same for the shortest period and pay the taxes and expenses incurred thereon; but no real estate shall, for any tax or assessment, be sold for a period exceeding twenty years, and each parcel of real estate shall be sold separately.

To be sold
at auction.

§ 12. Upon making any sale of real estate under the provisions aforesaid, the treasurer shall execute two certificates of the fact, providing, that if the owner or owners thereof, or some one on his, her or their behalf, shall not within fifteen months thereafter, redeem the same from the effect of the sale, by payment for the purchaser's use, to the treasurer of the village, of the money paid thereon, with interest at the rate of twenty per cent per year, until paid, the purchaser will be entitled to a deed thereof; one of such certificates the treasurer shall file with the clerk of said village, and deliver the other to the purchaser. During said fifteen months the owner or owners of such real estate, or any one in his, her or their behalf, may redeem the same from the effect of the sale by paying the treasurer for the use of such purchaser, the sum of money paid therefor, with interest thereon at the rate of twenty per cent per annum, until paid, or he may redeem an undivided part thereof by paying its proportion of such money and interest, as aforesaid. In case the real estate so sold, or any part thereof, shall not be redeemed as herein provided, after the expiration of fifteen months from the time of making the sale, the treasurer shall execute to the purchaser or purchasers, his, her or their heirs or assigns, a deed or deeds therefor, or of the parts unredeemed, for the period for which the same shall have been purchased. And the grantee in said deed shall take and hold the estate so purchased and conveyed, for the period for which the same shall be so purchased and conveyed, against all and every person whatsoever claiming the same, and shall be entitled to demand and receive, and retain the possession thereof,

Certificates
to be made
by treasurer

and of the rents, issues and profits of the same, and hold the same against every person and persons whatsoever.

Expenses of
notice of
sale.

§ 13. The expense attending the notice, sale and conveyance of real estate for unpaid taxes or assessments, shall be as follows: Printer's fees for advertising each parcel, or fees for posting each parcel, fifty cents; treasurer's fee for attending sale, giving certificate and deed to the purchaser, one dollar, and five per cent on the amount of tax; and the same fee shall be paid the treasurer whether he give the deed or not, provided a sale be had.

Real estate
sold for
taxes be-
longing to
persons un-
der twenty-
one years of
age.

§ 14. In case the real estate sold for any tax or assessment shall belong to any person under the age of twenty-one years, such person, on attaining the age of twenty-one years, or within fifteen months thereafter, may redeem the same from the purchaser, his or her heirs or assigns, by depositing with the treasurer for his, her, or their use, the amount for which the same was sold, with fifteen per cent thereon. The purchaser of any real estate sold for a tax or assessment, pursuant to the provisions of this act, or his, her, or their heirs or assigns, may, within a reasonable time, not exceeding ninety days after any redemption made pursuant to the provisions of this act, remove any buildings or improvements erected by him, her or them thereon, or by his, her or their assignor, but in so doing shall commit no unnecessary damage.

No real es-
tate to be
sold after
one year
from date of
roll.

§ 15. No real estate shall be sold under the provisions of this act for any tax or assessment after the expiration of one year from the time the treasurer shall have returned the tax roll, or list, as unpaid or uncollected; but in case any tax shall be returned by the treasurer as unpaid or uncollected, by reason of the non-residence of the person bound to pay the same, or if for any other cause it cannot be collected, the board of trustees may add the amount thereof to the moneys authorized to be raised by tax in the succeeding year, against the property or person in default.

Trustees to
purchase
real estate
for use of
village.

§ 16. Whenever, in the judgment of the trustees, it shall become necessary to purchase any real estate for the purposes of said corporation, or for a cemetery to be used by the inhabitants of said corporation for burial purposes, or for fencing, grading or repairing the same, or for erecting any engine-house, or for repairing the

same, or whenever it shall become necessary to purchase or repair fire engine, hose, fire ladders, hooks, or other fire apparatus, the said trustees shall, in the notice of the annual or special meeting, duly called according to this act, set forth the amount, in their judgment, necessary to be raised, and for what purpose; and that at such meeting a vote will be taken of the persons qualified to vote thereon, whether or not a special tax for any purpose or purposes set forth in such notice shall be raised.

§ 17. Every such resolution adopted at any such meeting, directing any such tax to be raised, shall distinctly specify the objects for which such tax is raised, and the sum to be applied to each of such objects, and may direct the same to be raised in annual installments.

Resolution
of board of
trustees.

§ 18. Any sum specified in any such notice may be reduced, but shall not be increased before the final vote directing the same to be raised, and the final vote to raise every such specific sum shall be separately taken, and shall be taken and entered by the clerk as a separate resolution.

§ 19. No person shall vote at any such meeting upon the question of raising any such tax, unless he shall be qualified to vote for village officers in said village, and shall own property liable to be assessed for taxes therein. The vote upon such resolutions shall be conducted by ballot, or shall be taken by ayes and nays, and conducted in such manner as the trustees shall direct.

Voters on
question of
raising tax.

§ 20. All special taxes voted to be raised by the inhabitants aforesaid, shall be assessed, apportioned, levied and collected in the same manner, and the treasurer shall perform the same duties and receive the same compensation as is provided in this title for the assessment, apportionment, levying and collecting of taxes for streets, bridges, &c., except that no portion thereof shall be assessed as a poll tax.

Special
taxes.

§ 21. It shall be the duty of the owner or owners, occupant or occupants of any lot or lots on any of the public streets in said village, to grade, construct, relay, and keep in repair all sidewalks opposite and on the same side of the street with their respective lots, in such time, manner, and of such materials as the board of trustees may, by a by-law, resolution or ordinance for such purpose, direct; and if any such owner or owners,

Sidewalks
to be kept
in repair.

or occupant, shall refuse or neglect so to grade, construct, relay or repair the sidewalks adjoining such lot or lots when so directed, then and in either case it shall be lawful for the trustees to cause the same to be so graded, constructed, relaid or repaired by such person as they may employ or appoint for or on account of the owner or owners, or occupant, as aforesaid, and such owner or owners, or occupant, shall be liable to pay the expenses of such grading, construction, repair or relaying; and all sums so expended upon such sidewalks, not exceeding fifty dollars upon any one lot in any one year, after being audited by the board of trustees, shall thenceforth be a tax to that amount upon every such lot, and thereupon it shall be lawful and the duty of the board of trustees to issue their warrant to the treasurer, returnable in thirty days, for the collection thereof of the goods and chattels of the owner or owners, or occupant, and if such warrant shall be returned unsatisfied, in whole or in part, to advertise and sell such lot or lots in the manner prescribed in this title for the sale of real estate for the non-payment of taxes; and the purchaser or purchasers, owner or owners, and his, her or their legal representatives shall have the same rights and privileges as are given by this title to the purchaser or purchasers, owner or owners of real estate sold for the non-payment of taxes, and the collector shall be entitled to the same commissions and fees as in other cases.

Expenses of
grading, &c.

§ 22. The board of trustees shall defray the expenses of such grading, construction, relaying or repairing of sidewalks when the owner or owners, or occupant, of any lot or lots shall so neglect or refuse, out of any moneys in the treasury, which shall be reimbursed from the amount so to be collected from such owner or owners, or occupant, who shall so neglect as aforesaid; and each and every five rods in length, or of any smaller piece of land, fronting on any public street in said village, shall be deemed a lot, within the meaning of this and of the twenty-first section of this title. The owner or owners, or occupant, of any lot or lots in front of which any sidewalk shall be ordered to be graded, constructed, relaid or repaired (if residents of said village), shall be personally served with a copy of such ordinance, resolution or by-law requiring the same to be done, which shall specify the time within

Copy of or-
dinance
to be served
on owner of
property.

which the same is to be done; and if said owner or owners, or occupant, shall neglect to do such grading, constructing, relaying or repairing for thirty days after the expiration of the time mentioned in said notice, he, she, or they shall be deemed to refuse to do the same; but no such grading, constructing, relaying or repairing shall be required to be done between the first day of December in any year and the first day of April thereafter.

§ 23. Whenever the occupant or lessee of any real estate in said village shall have been required, as above provided, to grade, construct, relay or repair any sidewalk, he may recover the expenses thereof of the owner of such lot, by action, or set off the amount thereof against the claims for rent of the owner or owners of said premises.

§ 24. Whenever any sidewalk shall be required to be made or repaired, graded, constructed or relaid upon or adjoining any unoccupied lot of land, all the owner or owners of which shall be non-residents of said village, or unknown, and said owner or owners shall neglect or refuse so to grade, construct, relay or repair, after notice shall have been posted in five conspicuous places in said village for at least six weeks, and sent by mail to the post office address of such owner or owners, where the same can be ascertained, it shall be the duty of the trustees to grade, construct, relay or repair such sidewalk, for or on account of such owner or owners, the expense of which shall first be paid out of any funds in the treasury of said village, not raised by a vote for a specific purpose, and shall then be a lien in favor of said village upon such lot, for which the same may be sold in the same manner by the same person and with like effect, as is provided in this act in cases of sales for the non-payment of taxes, and the purchaser or purchasers, owner or owners, his, her or their legal representatives, shall have the same rights and privileges as are given by this title to the purchaser or purchasers, owner or owners of real estate sold for the non-payment of taxes.

Neglect of
owners
to grade, &c.

§ 25. Whenever any real estate in said village is owned or occupied by more than one person, jointly or as tenants in common, it shall be sufficient to serve any notice or copy of any ordinance required to be served by this act on any one of such persons.

TITLE V.

OF THE PREVENTION AND EXTINGUISHING OF FIRES.

Fires and
extinguish-
ment of

§ 1. The board of trustees shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in any building or manufactory, and cause the same, if in their opinion any of them have been improperly constructed, or are not in proper condition or repair, to be removed or placed in safe condition; and they may prevent the deposit of ashes in unsafe places or in improper vessels, and require the inhabitants of said village to provide and keep on hand so many fire buckets, and in such manner and times as they shall from time to time prescribe, and regulate the use of them at the time of fires. The trustees shall also have power to authorize fire wardens and other officers of said village, to keep away from the vicinity of any fire all idle or suspicious persons, and to require all persons present at any fire to aid in the extinguishment thereof, and in the preservation of property, and generally to establish such regulations for the prevention or extinguishment of fires as the trustees may deem expedient.

Fire
engines.

§ 2. The trustees shall procure, from time to time, such fire engines and other apparatus necessary to be used in the extinguishment of fires as they shall deem necessary, and as the inhabitants of said village pursuant to section sixteen, of title four of this act, shall, by resolution, raise money and pay for, and shall have the charge and control of the same, and provide fit and secure engine houses and other places, for keeping and preserving the same, and shall have power to organize fire, hook, hose, axe and bucket companies, and to appoint a suitable number of able and proper inhabitants of said village as firemen, to have the care and management of the engines and other apparatus and implements so purchased and kept, as aforesaid; to prescribe the duty of firemen and to make rules and regulations for their government, and to impose such reasonable fines and forfeitures upon such firemen for a violation of the same, as the trustees may deem expedient, and for cause to remove or disband them and appoint or organize others in their places.

§ 3. The trustees shall prescribe the powers and duties of fire wardens. The firemen appointed by virtue of this act shall, during the term of their service as such, be exempt from serving on juries or in the militia, except in case of war, invasion or insurrection, and also from a military tax. The name of each person appointed a fireman shall be registered with the clerk of said village, and the evidence to entitle him to exemption made by this act, shall be the certificate of said clerk for the year in which such exemption is claimed.

Fire
wardens,
duties of.

TITLE VI.

MISCELLANEOUS PROVISIONS.

§ 1. All actions brought to recover any fine, penalty or forfeiture, under this act, or the ordinances, by-laws, rules, regulations or resolutions made in pursuance of it, shall be brought by the president of the board of trustees for the time being in the corporate name; and in such action it shall be lawful to complain, generally, for such fine, penalty or forfeiture, stating the section of this act, or the by-law, ordinance, rule, regulation or resolution under which the fine, penalty or forfeiture is claimed, and give the special matter in evidence; the defendant may plead or answer, denying generally the allegations made in the complaint, and give any special matter in evidence; the first process to commence any such action before a justice of the peace, may be either by summons or warrant returnable as in ordinary cases, and execution may issue on any judgment so rendered as in other cases; if the defendant in any such action has no goods and chattels whereof the judgment can be collected, the execution shall require the body of the defendant to be taken by the constable and imprisoned in the county jail of Cayuga county for thirty days, unless otherwise legally discharged.

Actions for
fines, &c.

§ 2. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in said village, in any action or proceeding in which said village is a party interested.

§ 3. All the personal or real estate or moneys now belonging to the village of Moravia, shall be, and hereby is vested in the corporation created by this act, and shall

Title of pro-
perty vest-
ed in the
corporation

hereby
created.

Streets may
be divided
into road
districts.

be held, paid out or disbursed by the trustees of said corporation pursuant to the provisions hereof.

§ 4. The trustees shall have power, if they think proper, to divide the streets and highways in said village, from time to time, into so many road districts as they may direct, and may, from time to time, appoint or employ one or more persons to conduct the work to be laid out for such purposes, under the direction of such trustees, and may from time to time lay out such portion of the moneys raised in said corporation (except such as shall have been raised for a special purpose, and other than for the use of highways) in any or all of such districts as the trustees may think proper; and every person who shall be assessed for a poll tax, and who is not assessed for any property, shall work the same out upon the highway and streets in said village at fifty cents per day, unless he shall pay into the treasury the amount so assessed. The person or persons so appointed to conduct the work to be laid out in said village in the district committed to his charge, shall have the same powers as overseers of highways of towns possess, to warn such persons assessed only for a poll tax residing within his district to work on such streets and highways, and in case any such person, duly notified, shall not pay his tax into the treasury, and shall neglect or refuse to appear and work as aforesaid, he shall forfeit for every day's refusal or neglect two dollars, and it shall be the duty of such person so appointed, and he shall possess the power to make complaint, and take such proceedings for the recovery and collection of such forfeiture as is conferred upon said overseers of highways by any statute of this state, and the money, when collected, shall be paid into the treasury of said village.

Blankbooks

§ 5. The trustees shall possess the authority, and it shall be their duty to procure such blank books for the use of said village as they may deem proper, and contract for such printing as the uses of said corporation may require and they may deem expedient; the payment for which may be made out of any moneys raised by said trustees, except such as may be raised in pursuance of a resolution, in accordance with the provisions of section sixteen of title four of this act

Village
shall not

§ 6. The said village shall have no power to borrow

money, nor shall it be liable to pay for borrowed money, or money advanced on its account; nor shall said village incur any debt or liability beyond the amount of the taxes assessed, and applicable to the payment of such debt or liability, when the same is incurred.

borrow
money.

§ 7. Whenever real estate shall be acquired by said village for a cemetery, or for burial purposes, the trustees shall have power and authority to cause the same to be surveyed into suitable lots for such purpose, and may then sell and convey such lots to purchasers, to be used for burial purposes, and no other; and the money received upon such conveyance shall be paid into the treasury, to be used for repairing or improving said cemetery, or for such other purpose as said trustees shall direct. The purchasers of said lots, and their heirs and assigns, shall take and hold the same for such purpose aforesaid, and subject to such general by-laws, rules and regulations as the said trustees may prescribe; and said lots shall not be subject to taxation, except for improving and repairing said cemetery and its fences, nor to levy or sale on any execution.

Real estate
for burial
purposes.

§ 8. The trustees may appropriate any moneys in the hands of the treasurer not raised by a special tax for a specific purpose, by a vote of the inhabitants, to the payment of the compensation of all persons and officers for services performed by them where compensation is provided for by this act, and for the payment of all printers' fees, and publishing, under this act, and the printing in pamphlet form of this act, and the by-laws, rules, ordinances and regulations made by said trustees, and for the purchase and repairing of all tools and implements used in working the streets of said village, and in cleaning the streets and sidewalks of said village, and for all surveys contemplated by this act, and all other expenses incurred by any provision of this act, and for the payment of a reasonable counsel fee to counsel employed or retained in behalf of the corporation, or any of its officers, in the prosecution of any person or persons; or corporation, for any fine, penalty or forfeiture under this act, or any by-law, rule, resolution or ordinance of the trustees, made in pursuance of this act, or for the defense of any action brought against said corporation.

Trustees to
pay com-
pensation of
persons and
officers.

Former
acts, &c.

§ 9. All former acts and parts of acts relative to the incorporation of the village of Moravia are hereby repealed; but such repeal shall not affect any act done, privilege granted, or right secured or established previous to such repeal.

Public act.

§ 10. This act is hereby declared to be a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained or intended.

Resignation
of officers.

§ 11. All resignations of officers under this act shall be made to the board of trustees, subject to their acceptance, and any officer removing from the limits of said village, shall thereby vacate the office to which he shall have been elected or appointed under this act.

Fines, &c.

§ 12. All fines, forfeitures and penalties, and all moneys received for licenses under this act, shall be paid to the treasurer of said village, and may be appropriated by said trustees to any purpose consistent with this act.

Special
meetings of
inhabitants.

§ 13. Special meetings of the inhabitants of said village may be called by the trustees thereof, by advertising the same, for three successive weeks before any such meeting, in a newspaper printed and published in said village, and if no such newspaper be so printed and published there, by posting five copies of such notice, signed by said trustees, in so many of the public places in said village, at least three weeks prior to the time for holding such special meeting; the notice of such special meeting shall state the object of such meeting.

Commis-
sioners of
deeds.

§ 14. The said trustees of said village shall have power and authority to appoint not more than four commissioners of deeds in and for said village, which said commissioners, and each and every of them, shall have power and authority, within the county of Cayuga, to administer oaths and affirmations, and take affidavits, to be read and used in all courts of this state with the same force, authority and effect as though the same were taken before any justice of the peace of said county, and also to take and certify acknowledgments and proofs of deeds, and all other instruments in writing, which are by law authorized to be recorded in this state; and the said deeds or other written instruments, when so proved or acknowledged before any of said commissioners, and duly certified by such commissioner, shall be entitled to be recorded or read in evidence the same as though taken

before any justice of the peace of said county, or other officer now authorized to take the same. Such appointments shall be made under the hands of said trustees or a majority of them, and when so made shall be certified by the clerk of said village, under the seal of said corporation, and filed in the clerk's office of Cayuga county. Before any of such commissioners shall enter upon the duties of said office, he shall, before the clerk of said county, take and subscribe the official oath required by article twelve of the constitution of this state. Said commissioners, when so appointed, shall hold their offices, respectively, for four years, and until others are appointed and qualified in their places, respectively, but the office of any of such commissioners shall be deemed to be vacated by his removal from said corporation.

Duties of.

§ 15. The said corporation shall possess the privileges and be subject to the restrictions contained in part one, title three, chapter eighteen, of the Revised Statutes, as far as they are applicable to such corporation.

§ 16. The legislature may, at any time hereafter, alter, modify or repeal this act.

§ 17. This act shall take effect immediately.

Chap. 45.

AN ACT to incorporate the Board of Domestic Missions of the Second Reformed Protestant Dutch Church of Tarrytown, New York.

Passed March 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Abraham Storms, Jacob Storm, Sandford Cobb, Jr., Charles Starr, Jr., and Benson Ferris and their successors, are hereby declared and constituted a body corporate, by the name of the "Board of Domestic Missions of the Second Reformed Protestant Dutch Church, of Tarrytown, New York," capable of holding property,

Who shall constitute board of domestic missions.

real or personal, and of suing and being sued, to the end that they may receive and hold in trust and manage for the support of the Domestic Missions of the Reformed Protestant Dutch Church in North America, a certain legacy of one thousand dollars, bequeathed for that purpose, in the last will and testament of the late Isaac Lent, of the county of Westchester, deceased.

Members of
board, who
shall be.

SECTION 2. The said Board of Domestic Missions of the Second Reformed Protestant Dutch Church of Tarrytown, New York, shall consist of five members, chosen by and from the consistory of said church, in such a way and for such a term of service that two of them shall go out of office at the expiration of the first year after they are chosen, and three of them at the expiration of the second year, and be succeeded respectively by persons chosen in their stead, or by themselves, re-elected for a term of two years, so that after the first election, two members of the board shall be chosen one year and three the next, and so on alternately.

Board may
receive and
hold in trust
certain prop-
erty, &c.

SECTION 3. The said Board of Domestic Missions of the Second Reformed Protestant Dutch Church of Tarrytown, New York, shall and may receive and hold in trust, and put out on interest with bond and mortgage security, the aforesaid legacy of one thousand dollars, with the intent and to the end that the income accruing shall yearly and every year be applied directly, and without the intervening agency of any other board or association, for the support of such domestic missionary of the Reformed Protestant Dutch Church as the consistory aforesaid shall designate; and in default of any such missionary being designated by the consistory, the income from the above mentioned sum shall be applied in such a manner as a majority of the board shall deem proper for the maintenance and support of the domestic missionary operations of the Reformed Protestant Dutch Church in North America.

Ibid.

§ 4. The Board of Domestic Missions of the Second Reformed Protestant Dutch Church of Tarrytown, New York, constituted by this act, shall also be capable of receiving, holding and managing, for domestic missionary purposes, any property, real or personal, by virtue of any donation made by any individual during his or her lifetime, or by virtue of any devise or bequest contained in any last

will and testament of any person whatsoever, the clear annual income of which devise or bequest shall not exceed the sum of ten thousand dollars, provided no person leaving a wife or child or parent shall devise or bequeath to such board of domestic missions more than one-fourth of his or her estate, after the payment of his or her debts, and such devise or bequest shall be valid to the extent of such one-fourth; and no such devise or bequest shall be valid in any will which shall not have been made and executed at least two months before the death of the testator.

§ 5. This act shall take effect immediately.

Chap. 46.

AN ACT to enable the Shinecock tribe of Indians to exchange certain rights in land with the trustees of the proprietors of the common and undivided lands and marshes in the town of Southampton.

Passed March 16, 1859.

Whereas, the Shinecock tribe of Indians, by virtue of a lease for one thousand years, are in the occupation of a tract of land lying in the town of Southampton, in the county of Suffolk, called Shinecock Neck, and are living therein as a tribe, subject to certain rights of pasturage, and the fee of the said land is in the trustees of the proprietors of the common and undivided lands and marshes in the town of Southampton, and other lands are held in the same manner; and whereas, the rights of said tribe of Indians and said trustees of said proprietors are of such a nature as to be conflicting, and have become the cause of frequent and expensive litigation, and render the improvement of the land far less valuable than the same would be if equitably divided and improved in severalty; and whereas, a verbal agreement and arrangement has been entered into between the said tribe of Indians and said trustees of said proprietors, for the full and clear release,

Preamble

each to the other, of all their rights on either side of an established and well defined line, to the end that each may improve and own in severalty all the land on their side of said line. Now therefore :

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Trustees
authorized
to convey
certain pro-
perts.

SECTION 1. The trustees of the said tribe of Indians are hereby authorized and empowered, in behalf of the said Indians, to convey, release and quit-claim to the trustees of the said proprietors of common and undivided lands and marshes in the town of Southampton, by deed in the ordinary form, and to be acknowledged in the usual manner before the county judge of Suffolk county, all their right, title and interest in and to certain lands in the town of Southampton, Suffolk county, generally known as Shinecock Hills and Sebonnack Neck, and lying north of a certain line commencing at the head of the creek and running along the Indian ditch, where the fence now stands, to the Stephen Post meadow, so called, thence along the old ditch on the south side of the said meadow to old Fort Pond, where the water fence formerly stood. And the said trustees of the said proprietors are hereby authorized to receive the same in consideration of a deed in like manner, in the ordinary form, and to be acknowledged in the usual manner before the county judge of Suffolk county, conveying, confirming and releasing to the said trustees of the said Indians, in behalf of the said Shinecock tribe, all that tract of land commonly called Shinecock Neck, and lying south of the before described line, commencing at the head of the creek on the east side of said Neck, and running along the Indian ditch, where the fence now stands, to the Stephen Post meadow, so called ; thence along the old ditch on the south side of the said meadow to old Fort Pond, where the water fence formerly stood.

§ 2. The true intent and meaning of this act is, and it shall be construed to be, to enable the said Shinecock tribe of Indians to exchange all their rights in and to the land north of said line, for a full release to them by said trustees of said proprietors, of all their rights in and to all land south of said line ; and the consent of the people

of the state of New York is hereby granted to such exchange.

§ 3. This act shall take effect immediately.

Chap. 47.

AN ACT in relation to the Troy Orphan Asylum.

Passed March 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the Troy Orphan Asylum, and all persons who shall pay the sum of three dollars or more, annually, to the treasurer, shall be members of the corporation which was created by the act entitled "An act to incorporate the Troy Orphan Asylum," passed April tenth, eighteen hundred and thirty-five.

Members.

§ 2. The estate and concerns of said corporation shall be managed by twenty-one trustees, who shall be residents of the city of Troy; and David Buel, Jr., Lyman Bennett, John Flagg, Gordon Grant, William Howard Hart, Elias Johnson, George Lesley, Hanford N. Lockwood, John W. Mackey, Joel Mallary, Francis N. Mann, Isaac McConihe, John S. Perry, Charles L. Richards, Nathaniel Starbuck, Silas K. Stow, George Vail, D. Thomas Vail, Philander Wells, Thomas White and John D. Willard, are the present trustees. The trustees shall have power to choose their own presiding officer, and appoint all the other officers and agents necessary to conduct the concerns of the corporation, to make by-laws, and create and fill vacancies in their own board; and they shall publish an annual report, including an account of the receipts and expenditures. Five trustees shall constitute a quorum for the transaction of ordinary business. A majority of the whole number of the trustees shall be present at the adoption of any by-law, or the choice of a presiding officer, or in filling a vacancy in the board of trustees; and the affirmative

Trustees.

Number of trustees to be present at passage of by-laws, &c.

vote of two-thirds of all the trustees shall be necessary to create a vacancy in the office of trustee. In case of the removal by the board of a trustee from his office, they shall set out in their minutes the cause of such removal.

Corporation may receive by gift or devise.

§ 3. Said corporation may take by gift, devise, or bequest, real and personal estate, and hold the same for the benevolent purposes for which it was created, viz.: the relief, support and education of orphan and destitute children; but the real estate which said corporation may hold, exclusive of its orphan house or asylum, and grounds attached thereto, shall not at any time exceed the net yearly value or income of ten thousand dollars.

§ 4. The seventh section of the act entitled "An act to incorporate the Troy Orphan Asylum," passed April tenth, eighteen hundred and thirty-five, is hereby repealed; and all other provisions of said act, inconsistent with the provisions of this act, are repealed.

Chap. 48.

AN ACT in relation to the theatres in the city of New York.

Passed March 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any owner, lessee, manager, agent, or officer of any theatre in the city of New York, to admit to any theatrical exhibition, held in the evening, any minor under the age of fourteen years, unless such minor is accompanied by and is in the care of some adult person.

§ 2. Any person violating the above provision shall be guilty of a misdemeanor, and shall be liable to a fine, not less than twenty-five dollars nor more than one hundred dollars, or imprisonment for a term not less than ten nor more than ninety days, for each offense.

§ 3. All moneys recovered under the provisions of this act for fines, shall be paid over to the treasurer of the society for the reformation of juvenile delinquents in the city of New York, for the benefit of such society.

Chap. 49.

AN ACT to amend the charter of the village of Herkimer.

Passed March 18, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of title three of chapter one hundred and twenty-five of the laws of eighteen hundred and fifty-four, is hereby amended so that the annual election for officers of the said village shall hereafter be held on the first Monday of April in each year, instead of the last Monday, as therein provided.

Annual election, when to be held.

§ 2. Section one of title six of said chapter one hundred and twenty-five, is hereby amended so as to read as follows :

The said village shall constitute a separate road district, and the jurisdiction of the commissioners and overseers of highways of the town of Herkimer within the said village, is hereby entirely abrogated, except their jurisdiction over the bridges within the said village ; and the board of trustees shall be commissioners of highways within and for said district, and shall have and possess the same powers and be charged with the same duties over the roads and streets in said village, except as hereinafter otherwise provided, as commissioners of highways in towns ; but nothing in this act contained shall exonerate the town of Herkimer from any liability to construct, repair or maintain any bridge over the Mohawk river or the West Canada creek, or any other bridge within the said village. But all the bridges within the said village shall be constructed, repaired and maintained

Road district.

by the town of Herkimer, under the direction of the commissioners and overseers of highways of said town, just as if this separate road district had never been formed.

Section 2
amended.

§ 3. Section two of the same title and chapter is hereby amended by striking out from the seventeenth line of said section the words, "and bridges," and by inserting in the sixteenth line the word "and" after the word "streets."

§ 4. This act shall take effect immediately.

Chap. 50.

AN ACT to incorporate the Brooklyn Academy of Music.

Passed March 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Body corporate.

SECTION 1. Simeon B. Chittenden, Henry E. Pierpont, Edward Whitehouse, John Greenwood, Luther B. Wyman, Robert R. Raymond, A. Cooke Hull, Henry R. Worthington, Edwin D. Plimpton, Willard M. Newell, Abiel A. Low, Arthur W. Benson, Alexander M. White, William M. Richards, George F. Thomas, Horace B. Claflin, J. Carson Brevoort, John W. Degraw, Edward Lambert, Alexander McCue, Edward J. Lowber, John Kellum, Paul W. Weizel, Charles H. Sand, A. B. Baylis, their associates, and all other persons who may become stockholders in the corporation hereby created, shall be and their successors are hereby constituted and declared to be a corporation and body politic by the name of the Brooklyn Academy of Music, for the purpose of encouraging and cultivating a taste for music, literature and the arts.

Capital stock of corporation.

§ 2. The said corporation shall have power, by their corporate name, to purchase, hold and convey real estate in the city of Brooklyn, not exceeding fifteen lots, and to erect thereon a building or buildings suitable for the purposes before mentioned.

§ 3. The capital stock of such corporation shall consist of one hundred and fifty thousand dollars, with liberty to increase the same when a majority of the directors shall so determine, to any sum not exceeding two hundred thousand dollars. The said stock shall be divided into shares of fifty dollars each, and shall be transferable in such manner as the by-laws of such corporation may direct, and each stockholder shall be entitled to vote at all elections for directors or other officers and to cast one vote for every share of stock so held by him, which vote may be given in person or by proxy. Every original subscriber of five hundred dollars and upwards, shall be entitled, under such regulations as may be established by the directors, to a free admission for every ten shares of stock so subscribed.

Capital
stock of cor-
poration.

§ 4. The corporation shall not go into operation until one hundred thousand dollars of the capital stock shall have been subscribed, and until a certificate, under oath, signed by at least three of the directors hereinafter named, that such subscription has been made in good faith, shall have been filed in the office of the clerk of the county of Kings.

Corporation
when to go
into opera-
tion.

§ 5. The affairs of said corporation shall be managed by a board of twenty-five directors, who shall be stockholders, and the persons named in section one of this act shall constitute the first board of directors, and shall hold their offices until the first election of directors, to be hereafter held pursuant to the by-laws of said corporation, and until others are elected in their stead; and the said corporation shall have power, by its by-laws, to appoint the time and place for holding elections for directors, and to fix the term for which such directors shall hold their offices, and to prescribe the manner of filling vacancies in their body.

Directors.

§ 6. The directors may require payment of subscriptions to said capital stock at such times and in such proportions, under the penalty of forfeiting all stock and previous payment thereon, as they may deem proper; provided, however, that four weeks' previous notice of such required payment shall be published at least once a week for four weeks successively, in two daily newspapers in the city of Brooklyn. The persons who have heretofore become subscribers to the said stock shall be

Subscrip-
tion, when
to be paid.

liable to pay the amount of their subscriptions in the same manner as those who may subscribe after the passage of this act, and no part of the capital of said corporation shall at any time, or under any pretense, be refunded to the stockholders until all the debts and liabilities of said corporation are fully paid.

Indebted-
ness.

§ 7. The whole amount of indebtedness which said corporation shall at any time make, shall not in any case exceed the amount of capital stock actually subscribed, and in no case shall such indebtedness exceed thirty-three per cent of the full amount of such stock actually paid in.

Office, &c.

§ 8. The office of said corporation, its books, records and papers, shall be kept in the city of Brooklyn, and annually, in the month of January, the directors shall submit to the stockholders a written statement, accompanied by an affidavit of the president and secretary, of the capital stock paid in and the amount of outstanding liabilities; and no dividend shall be declared or paid to the stockholders except from the surplus income derived from the property of said corporation.

General
powers of.

§ 9. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 10. This act shall take effect immediately.

Chap. 51.

AN ACT to consolidate and amend the several acts relating to the village of Sherburne, and to enlarge the powers of the corporation of said village.

Passed March 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Limits.

SECTION 1. All that part of the town of Sherburne, in the county of Chenango, comprised within the following

limits, viz.: Beginning on the quarter line, so called, at the south line of lands now owned and occupied by Hollis Rowland; thence westwardly along the south line of said Rowland's land to the east bank of the Chenango river; thence northwardly along the east bank of said river to the north line of lands formerly owned by Ely Marsh; thence eastwardly along the north line of lands formerly owned by said Ely Marsh as aforesaid, to the west side of the Sherburne plank road; thence northwardly along the west side of said plank road to the north line of lands purchased by Daniel B. Knapp of Richmond White and Elijah E. Merrill; thence eastwardly along the north line of said last mentioned lands to the said quarter line; thence southwardly along said quarter line to the place of beginning, shall constitute "The village of Sherburne."

§ 2. The inhabitants resident within the territory aforesaid, are a municipal corporation, and shall hereafter be known in law by the corporate name of "The village of Sherburne," and by that name they and their successors shall have perpetual succession, shall be capable of suing and being sued, complaining and defending in any court, and shall have power to hold, purchase and convey through their trustees, such real and personal estate as the purposes of the corporation may require.

Municipal
corporation.

§ 3. The inhabitants residing within said village, who shall be qualified to vote at town meetings, shall meet on the first Tuesday of May in each year, at such place in said village and at such time of day as the trustees of said village shall direct, by a notice to be posted up in four public places within said village at least six days previous, and shall then and there elect by ballot five trustees, one of whom shall be president of the board of trustees, to be designated on said ballot; one treasurer, one clerk, one collector, one constable, and one pound keeper, all of whom shall be electors of said village; and the trustees aforesaid shall attend and preside as inspectors of said election, shall declare the persons receiving the greatest number of votes duly elected, and shall be vested with all the powers respecting the reception of votes, the challenging and administering of oaths to persons offering to vote, and the canvassing of votes, that are now possessed by inspectors of elections in towns. In case of the non-

Annual
election.

Voters, &c.

attendance of three of such trustees at any general or special election, the majority of voters present may supply such number by the appointment of some proper person or persons to act as inspectors of such election, who shall have the same powers and perform the same duties in respect to such elections as the trustees aforesaid.

Special
meetings.

§ 4. The trustees shall have power to call special meetings, which shall be called and conducted as annual meetings are, whenever a majority of those in office deem it advisable, either to fill vacancies in office happening by death, removal, resignation or otherwise, or for other lawful purposes; and the officers elected at an annual or special election shall hold their offices until others are duly elected to succeed them, and have also signified their acceptance of such office, as provided in the next succeeding section.

Neglect to
assume of-
fice.

§ 5. If any person who shall have been duly elected to any office in said village (except that of treasurer and collector), shall for five days after being notified of such election pursuant to this act, refuse to take upon himself the duties of such office, or neglect to give notice of his acceptance thereof to the clerk of said village, he shall, for such neglect or refusal, forfeit the sum of five dollars, recoverable in the corporate name of said village, in any court having cognizance thereof, with costs of suit, for the use of said village; but no person shall be fineable for refusing to serve two years in succession.

Powers of
trustees.

§ 6. The trustees of said village shall have power :

1. To remove and prevent encroachments upon the streets and sidewalks of said village.

2. To restrain cattle, horses, sheep, swine and geese, from going at large in said village, under a penalty not exceeding five dollars for every such animal so found going at large in violation of the by-laws of such village; which animals so going at large, shall be liable to be distrained, impounded and sold, as hereinafter provided; and the owner of every such animal shall be liable to such penalty, which may be sued for by the president, in the corporate name of said village, and for its use.

3. To provide by proper rules and regulations for impounding cattle, horses, sheep, swine or geese found on the premises, or in the inclosure of any person other than their owner, without proper authority or permission,

and for their sale, unless reclaimed by their owner, in the manner, and upon the payment of such fees for impounding, keeping and feeding such animals, as may be prescribed by them.

Powers of
trustees.

4. To regulate slaughter-houses.
5. To remove, destroy, and prevent nuisances.
6. To suppress and restrain disorderly houses, houses of ill-fame, gambling-houses, and instruments and devices for the purpose of gaming.
7. To regulate and prevent the firing in the streets of guns, pistols, crackers, rockets and squibs.
8. To prevent the immoderate riding, or driving of horses and carriages in the streets of said village.
9. To make all such prudential rules and regulations for the prevention of fires in said village, not repugnant to law, and to fix and declare such fines and penalties for the violation thereof as shall be deemed necessary.
10. To organize and maintain a fire company in said village; the members of which company, not to exceed fifty in number, shall be exempt from military and jury duty.
11. To prescribe the powers and duties of fire companies in preventing and extinguishing fires.
12. To build or provide a good and sufficient pound ^{therein} for the use of said village.
13. To exercise exclusively within the said village the authority in respect to granting licenses for certain exhibitions, now vested in two justices of the peace, by the second section of the first article of the eighth title of the twentieth chapter of the first part of the Revised Statutes, and to exact and receive for every such license granted by them a sum not exceeding twenty-five dollars.
14. To compel the overseer of highways to lay out the highway labor under their direction, and to make a written report of his proceedings to them whenever required by them so to do. In case such overseer shall neglect or refuse to comply with such directions, or shall fail to make such report within three days after such requisition, the trustees may remove him and appoint another person in his place.
15. To make, ordain, alter and repeal all such by-laws, rules, regulations and ordinances not repugnant to the general laws of this state, or to this act, as may in

their judgment be necessary and proper to carry into effect the intent and provisions of this act; and such trustees may prescribe such penalties, fines and forfeitures for that purpose as they may deem necessary; but no penalty for any one offense against such by-laws, rules, regulations or ordinances shall exceed the sum of five dollars. Such by-laws, rules, regulations and ordinances shall not expire with the term of office of the board of trustees who enacted them, but shall remain in full force until lawfully changed or repealed; and no such by-law, rule, regulation or ordinance shall be of any effect until it has been recorded, or a printed copy inserted in the book containing the proceedings of said corporation, and a copy thereof posted up in four or more public places within the said village. The certificate of the clerk entered in the corporation book herein mentioned, of such recording and posting, and of the time thereof, shall be presumptive evidence of such facts.

No compensation to be paid to trustees, &c.

Duty of president.

§ 7. No trustee or treasurer shall ever receive any compensation for any services rendered under or in pursuance of this act.

§ 8. It shall be the duty of the president of said village, when present, to preside at the meetings of the trustees; to call meetings of the trustees whenever he shall deem it necessary; to receive complaints of any breach of the by-laws; to see that the by-laws, rules, regulations and ordinances are faithfully executed and observed, and to prosecute in the corporate name of the said village, for all offenses against such by-laws, rules, regulations or ordinances; or for any offense against the provisions of this act.

Duties of treasurer.

§ 9. It shall be the duty of the treasurer to receive, hold or disburse, all moneys belonging to said village, and to make a correct report to the board of trustees of his doings as such treasurer, at least five days previous to the annual meeting or election aforesaid, and to settle with them his accounts as such treasurer. No money shall be paid by such treasurer, unless upon the order of the president, countersigned by the clerk. But in case either of said officers are incapable of acting, from absence or otherwise, then any trustee may act in the place of such officer.

§ 10. It shall be the duty of the clerk of said village to keep the books and papers belonging to said corporation; to record in a book provided for that purpose, the rules, votes, orders, regulations and proceedings of the inhabitants at their annual or special elections or meetings, and also all the by-laws, votes, ordinances and proceedings of the board of trustees; to notify all officers of their election or appointment, personally, or by leaving a written notice at their place of abode, within five days after such election or appointment, and to perform such other duties as the board of trustees shall from time to time direct and require of him.

Duties of clerk.

§ 11. The constable elected in such village shall, after his acceptance of said office, have all the powers and authority which is given by the statutes of this state, to constables elected in towns; but before he shall enter upon the duties of said office, and within eight days after he shall receive notice of his election, he shall subscribe and take the usual oath of office, and also execute a bond, with one or more sureties, to be approved by said trustees, for the faithful discharge of the duties of said office, according to the provisions of the statutes respecting constables elected in towns; which bond and oath of office shall be filed with the clerk of said village.

Constable.

§ 12. The said village shall be a separate road district, and exempt from the superintendence or control of the commissioner of highways of the town of Sherburne, and the trustees of the said village shall be commissioners of highways for the same, and possess all the powers and be subject to all the duties given to or imposed upon commissioners of highways, and they shall, at their first meeting in each year, appoint an overseer for said district, who shall possess all the powers and discharge all the duties given to or enjoined upon overseers of highways in towns, and such overseer shall be accountable to said trustees, in the same manner as overseers of highways in towns are to commissioners of highways, and as hereinafter provided in this act. The commutation price for each day's labor, assessed upon the inhabitants of such village for highway purposes, shall be fifty cents. This act shall not affect the assessment and working of highway labor on the Sherburne

Village separate road district.

plank road in any manner, but the same shall continue to be assessed and worked in the manner now prescribed, or that may hereafter be prescribed by law.

Security to
be given by
certain offi-
cers.

§ 13. No person hereafter elected or appointed to the office of treasurer, collector or overseer of highways in said village, shall be entitled to enter upon the duties of his office until he has given such security for the faithful application of all moneys received by him, and for the proper discharge of the duties of his office, as may be required by said trustees; which security shall be a bond in such penalty, and with such surety or sureties as may be approved by such trustees, and indorsed on said bond; in case the road warrant shall be delivered to said overseer, or the tax list and warrant to the collector of said village, without having first received adequate security from such overseer and collector, and also from the treasurer of said village, the trustees executing such warrant shall be personally responsible to the said village for any loss that may arise from the default or misconduct of either of such officers.

§ 14. No person shall be deemed incompetent, either as judge, justice, juror or witness, by reason of his being an inhabitant of said village, upon any trial or proceeding arising under this act.

General tax,
how raised.

§ 15. At any meeting of the electors of such village to elect village officers, or at any other meeting of such electors, duly notified by the trustees in the manner prescribed by this act, the electors in said village may, by resolution adopted by a vote of two-thirds of all the electors present and voting, direct the said trustees to cause to be raised by a general tax upon the taxable property liable to be assessed for taxes in such village, taxes for purposes named in this and the twentieth section of this act, and for no other. The entire amount of such taxes raised in any one year shall not, in the aggregate, exceed the sum of three hundred dollars, except in case of damage to the highways within said village by the overflow of Mad Brook, when an additional amount, sufficient to repair said damage, may be raised, but no greater sum shall at any time be raised than as afore-said, except in the contingency mentioned in the first subdivision of this section, relating to the purchase of a new engine and necessary apparatus therefor.

1. For keeping in repair the fire engine and the apparatus connected therewith, now belonging to said village, and also for purchasing a new engine and the necessary apparatus therefor, whenever, in the judgment of two-thirds of the electors of said village, present and voting at any annual or special meeting regularly called, the said engine now owned by said corporation shall become useless and unserviceable, and also implements for a hook and ladder company (to be passed by a like two-third vote); but no tax shall be raised for procuring any additional engine except in the contingency above named, nor implements for more than one hook and ladder company, until the population of said village shall exceed two thousand persons.

What
money may
be raised
for.

2. For procuring the necessary ground and erecting a suitable building for the reception and safe keeping of any fire engine or other apparatus or implements for the extinguishment of fires, or for hiring suitable places for the same purposes.

3. For uniforming any company organized for the extinguishment of fires, in pursuance of this act, under the direction of the trustees, which uniform shall be and remain the property of said corporation; but no greater sum than one hundred and twenty-five dollars shall be raised under this subdivision.

4. For making and maintaining such public wells and other reservoirs of water, and for procuring the necessary fixtures therefor, as may be deemed necessary for the extinguishment of fires in such village.

5. For procuring the necessary ground and erecting a pound for the use of such village, and for keeping the same in repair, or for hiring a suitable inclosure for such purpose.

6. For making and repairing sidewalks, for constructing and repairing crosswalks, and for highway purposes generally.

7. For insuring the public property of said village.

8. For prosecuting and defending suits in which such village shall be a party.

9. For procuring such blank books and blanks as may be necessary for village purposes.

What money may be raised for.

10. For publishing the by-laws of such village, and notices of annual and special meetings of the electors of such village.

11. For paying a suitable compensation to the clerk for his services.

12. For the necessary expenses of doing any specific act for such village which it or any of its officers shall be by law expressly required or authorized to do.

13. For the payment of the expenses of winding and keeping in repair the public clock in said village.

14. For clearing the sidewalks in said village from snow and ice.

15. For incidental expenses, not exceeding five dollars in any one year.

§ 16. No tax shall be voted to be raised at any annual or special meeting in said village, unless the notice of holding such election or meeting, required by this act to be given, shall specify the amount and objects of such tax, and the specific sum required or proposed to be raised for each object, and shall state that such meeting will be called upon to vote in respect to raising the sum or sums so specified.

Resolution to raise tax to specify, &c.

§ 17. Every resolution adopted at any such meeting, directing any tax to be raised, shall distinctly specify the object for which such tax shall be directed to be raised, and the sum to be applied to each of such objects, otherwise such resolution shall be absolutely void.

Sum may be reduced before final vote.

§ 18. Any sum specified in any such notice, and proposed to be raised by tax for any specific object, may be reduced, but shall not be increased before the final vote in respect to directing the same to be raised; the final vote in respect to raising every such specific sum, shall be taken separately; every proposition to raise any such specific sum, shall be deemed a separate and distinct resolution, in the proceedings thereon at such meeting, and it shall be in form a distinct and separate resolution, and shall be so entered in the record of the proceedings of such meeting, if any elector shall so require. Every vote to raise any sum of money in such village, which shall not be taken as provided in this act, shall be absolutely void.

Special tax not to be applied to any

§ 19. Whenever money shall be raised by tax in such village, for any specific purpose, it shall not be applied to

any other purpose without such a vote directing such application as was required to authorize the raising thereof, nor shall any money belonging to said village, derived from other sources than such taxes, be applied to any purpose whatever, without such a vote directing its specific application. other purpose.

§ 20. Whenever, in the judgment of the trustees of said village, any just and equitable claim shall arise or exist against said corporation, not provided for in section fifteen of this act, it shall be lawful for such trustees to insert in the notice, provided for in section sixteen of this act, a clause stating the precise amount and object of the tax, upon which such meeting will be called to vote, which amounts may be reduced at such meeting, but shall in no case be increased. Such notice shall distinctly specify that the item or items upon which a tax is to be voted for in pursuance of this section, will require a two-thirds vote. If at such meeting of the electors of said village, two-thirds of all such electors present and voting, shall vote in favor of raising any sum or sums, for the object mentioned in such notice of the said trustees, it shall be the duty of said trustees to include in their tax list and collect such sum or sums, in the same manner as the sums or items mentioned in section fifteen; but this section shall not be construed as applying to any claim or demand that existed, or had accrued, previous to the passage of this act. But no greater sum than twenty-five dollars shall be raised under this section in any one year. Claim against the corporation.

§ 21. Whenever a tax shall have been voted, by the electors of said village, in pursuance of this act, it shall be the duty of the board of trustees, as soon as may be, to make out a tax roll apportioning the sum so voted to be raised and collected by tax among the several persons liable to taxes in said village, both resident and non-resident, according to the value of their real and personal estate within said village. The valuation of taxable property shall be ascertained, as far as possible, from the last assessment roll of the town of Sherburne; and no person shall be entitled to any reduction in the valuation of such property, as so ascertained, unless he shall give notice of his claim to such reduction, to the trustees of said corporation, before the tax list is made out. In case Tax roll.

any person liable to taxation shall have become a resident of said village, after the making of the last assessment roll of the town, or shall have been omitted from such assessment roll of the town, it shall be the duty of the trustees to include such persons in their assessment roll, and to assess them for such amount of property, real or personal, as they shall deem just and equitable; but every such person so removing into said village, or whose name shall have been omitted from the last assessment roll, as aforesaid, shall have proper notice given to him, personally or by leaving the same at his residence, of such assessment, and shall have the same right to swear off such assessment as individuals possess before assessors of towns. Upon the completion of such assessment and tax roll, the said trustees shall, thereupon, by warrant, authorize the collector, under their hands and seals, to collect the said tax, together with the percentage provided for in this act, and pay the amount of such tax, exclusive of such percentage, to the treasurer; and the said collector, after giving the security required by this act, shall proceed to the collection of such tax, with the like power and authority as the collectors of towns, and shall pay the said tax to the treasurer, at the time directed in his warrant, which time shall not exceed thirty days. Such trustees may from time to time, in their discretion, renew such warrants for an additional thirty days, by an indorsement thereon, under their hands and seals to that effect, and, thereupon, such warrant shall be of the same force and effect as when originally issued. In case the collector shall make return in writing, that he cannot collect the sum assessed upon any real estate, it shall remain a debt of record against the owner or occupant, and may be sued for and recovered by the president, in the corporate name of said village, with costs, in any court having jurisdiction.

Collector,
duties of.

§ 22. The collector of such village shall, as soon as may be after receiving any warrant for the collection of a tax, post up in three public places in such village, a notice that he will receive voluntary payments upon such tax on two days, at a place to be named in such notice; the first of which days shall not be less than five days from the posting of such notices, and the second day shall be one week thereafter; and on all sums voluntary paid

on or before the last day named in such notice, he shall be entitled to demand and collect two per cent in addition to the tax named in said warrant, and on all sums not voluntarily paid as aforesaid, he shall be entitled to demand and collect five per cent in addition to any tax named in said warrant.

§ 23. All acts of the board of trustees, relative to the construction of sidewalks or crosswalks, or any other duty imposed or power conferred upon them by this act, shall be done in a regular meeting of the said board, called in the manner prescribed in this act. In case of the absence of the president, or his incapacity or refusal to act, any two of said trustees may call a meeting of said board.

Construction of sidewalks, &c.

§ 24. The said village shall never be liable for any acts done or directions given by any trustee in his individual capacity, to any officer of said corporation, or to any other person; and no costs or expenses sustained by such trustee, in consequence of such individual act or direction, shall ever be audited by said trustees, or raised by tax upon the property within such village.

Village not to be liable, &c.

§ 25. All claims or demands against said corporation, shall be audited by the board of trustees, at a meeting regularly convened, and no order upon the treasurer for the payment of any such claim or demand shall be drawn until the same has been so audited.

Claim to be audited, &c.

§ 26. No account shall be audited by the board of trustees, unless the same shall be presented in items, with reasonable certainty, and with the dates of such items, as near as may be.

Claims to be presented in items, &c.

§ 27. In case a vacancy shall exist in any office within said village, other than a trustee, the board of trustees may, in their discretion, fill such vacancy until a successor shall be elected and qualified to succeed the officer so appointed.

Vacancy in office.

§ 28. The trustees shall, each and every year, at the annual election, make a written report of all moneys received for the use of said corporation, and paid out and expended, and the details of such expenditure, which report shall be left with the clerk at least three days previous to such election.

Report of trustees.

§ 29. It shall be the duty of the pound keeper to distrain all animals hereinbefore mentioned which he

Pound keeper, duties of.

shall find going at large in said village in violation of the by-laws thereof, and any other person may distrain such animals when going at large or unlawfully in any inclosure as hereinbefore mentioned, and drive them to the pound of such village; and when they shall be distrained by him or others, and driven to such pound, he shall keep them in his custody until they shall be disposed of according to law. Any person other than such pound keeper, distraining any such animal and driving the same to such pound, shall be entitled to receive ten cents for each of said animals so driven to said pound, to be collected by such pound keeper when such animals are reclaimed by the owners thereof, or upon their sale pursuant to this act, and by said pound keeper paid to the person so driving such animal to said pound.

Pound
keeper, du-
ties of.

§ 30. Within twenty-four hours after any such animals shall come into his custody, the pound keeper shall give notice thereof to the president of said village, or in his absence to one of the trustees, and also to the owner of such animal, if he be known and a resident of such village, and if not known, then within twenty-four hours after he shall become known, if he be such resident as aforesaid.

Ibid.

§ 31. Within twenty-four hours after such animals shall come into his custody, the pound keeper shall, if they be not reclaimed by their owner, give notice of the sale thereof by posting the same in at least three of the most public places in such village. Such sale shall not take place in less than five days from the time of posting such notices.

Ibid.

§ 32. If the residence of the owner of such animals be known, and be within three miles of said village, such notice shall be served on him personally, or by leaving it at his residence, at least three days before such sale; but if his residence is known, and is more than three miles from such village, such notice shall be duly mailed to such owner at his place of residence, on the same day such notice shall be posted.

Trustees to
attend sale.

§ 33. One of the trustees shall attend every such sale, and may direct the manner of conducting the same, and shall see that the same is fairly conducted, and he may, in his discretion, direct it to be postponed, of which notice

shall be given as in cases of the postponement of the sale of personal property by a sheriff.

§ 34. At any time before such animals shall be sold, the owner shall be entitled to them on paying the pound keeper his fees and a reasonable compensation for feeding them, on paying to the treasurer the penalty incurred by their going at large in such village, and on satisfying the trustees of his ownership, and such trustees may, in their discretion, remit such penalty either before or after a sale.

Fees of
keeper to be
paid.

§ 35. When any such animals shall be sold as aforesaid, the pound keeper shall be entitled to receive out of the moneys arising from such sale, his fees for his services in respect to them, and a reasonable compensation for feeding them, to be audited and allowed as hereinafter provided, and he shall, within forty-eight hours after such sale, pay the balance to the treasurer.

Animals
sold, &c.

§ 36. If the owner of any animals so sold shall, within one year from the time of paying to the treasurer the balance of the money arising from their sale, present to the trustees a claim for such balance, accompanied with an affidavit that such claim is well founded, and showing the ground thereof, they shall, if satisfied of the justice of such claim, allow the same, and direct an order to be drawn for its payment; but the penalty incurred by such animals going at large in such village shall be deducted from such balance, and the remainder only shall be allowed and paid to such claimant unless such penalty shall be remitted as provided in the thirty-fourth section of this act.

Owners of
animals
may re-
deem, &c.

§ 37. If such balance, or any part thereof, shall not be claimed by the person entitled thereto within one year, as aforesaid, the electors of such village, at any meeting regularly convened, may direct it to be applied to any purpose for which money may be raised by tax therein.

Balance,
how dispos-
ed of.

§ 38. The pound keeper shall be entitled to the same fees for receiving and discharging animals, including those distrained by himself, as are allowed to pound masters in towns for similar services; the same fees for making service on owners of animals as are allowed to constables for serving a summons issued by a justice of the peace; a reasonable sum for making such service by mail, and a reasonable compensation for feeding such animals; but

Fees of
pound
keeper.

no travel fee shall be allowed where the owner of such animals resides in said village. •

§ 39. Such fees and compensation shall be audited and allowed by the trustees in all cases, and he shall receive no other fees or compensation for his services in any case.

§ 40. This act shall take effect immediately; but the persons now in office shall continue to hold their offices until the first Tuesday in May next, and until their successors are elected and qualified to succeed them.

§ 41. All laws inconsistent with this act, so far as the same are applicable to the village of Sherburne, are hereby repealed.

Chap. 52.

AN ACT to authorize the common council of the city of Brooklyn to raise money to pay existing liabilities against the said city, for expenses of local improvements in the late city and village of Williamsburgh, and to provide for the payment of a deficiency in the revenue of the city of Brooklyn.

Passed March 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners of sinking fund.

SECTION 1. The commissioners of the sinking fund of the city of Brooklyn shall nominate, and the common council, if they approve of the same, shall appoint three persons, who, in connection with said commissioners of the sinking fund, are hereby authorized to adjust, compromise and settle all liabilities and claims now existing in favor of parties against the late village or city of Williamsburgh, for local improvements therein; said persons so appointed shall receive no compensation for their services.

Common council to issue bonds.

§ 2. The common council of the city of Brooklyn are hereby authorized to issue bonds in amount not exceeding one hundred thousand dollars, in the name of said

city of Brooklyn, and on the faith and credit thereof, bearing interest not exceeding six per cent, payable half yearly, the principal payable in twenty years from the date of said bonds, and to sell the same; the faith, property and credit of the said city of Brooklyn are hereby pledged for the payment of the principal and interest of said bonds. The proceeds of the sale of said bonds shall be applied to the payment of existing liabilities when adjusted and settled, as mentioned in the first section of this act, against the said city of Brooklyn, for the expenses of local improvements in the late village and city of Williamsburgh.

§ 3. The moneys collected and received from assessments for local improvement authorized or commenced before the act of consolidation heretofore made and confirmed, and from assessments hereafter made and confirmed, shall be paid into a sinking fund to meet the principal and interest on said bonds; and if the money so received shall be insufficient to pay one-twentieth part of the whole amount of said bonds, and the interest thereon annually, such deficiency shall be raised yearly by general tax, to be levied upon that part of said city of Brooklyn embraced within the limits of the late city of Williamsburgh.

Moneys to
be paid into
the sinking
fund.

§ 4. The common council of the city of Brooklyn are hereby authorized to borrow, in anticipation of the taxes of the ensuing year, the sum of twenty-seven thousand dollars, and to issue the corporate bond or bonds, or certificate or certificates of said city therefor; which bonds shall be redeemed out of the amount collected in the taxes for the ensuing year, with the sum thus obtained they shall pay the deficiency in the appropriation of the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, and such other claims against the city as have been incurred by the order of the common council of said city during either of said years. The said common council shall direct the comptroller of said city to pay to Elisha B. Morrell, or order, one hundred and sixty-four dollars, out of the above amount, the same being for expenses and articles furnished by said Morrell in eighteen hundred and fifty-four and eighteen hundred and fifty-five.

§ 5. This act shall take effect immediately.

Chap. 53.

AN ACT to authorize the reduction of the capital stock of the Mohawk Bank of Schenectady.

Passed March 22, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Reduction
of capital
stock.

SECTION 1. It shall be lawful for the directors of the Mohawk Bank of Schenectady, to reduce the capital stock to an amount which, in their judgment shall be equal to the value of the property and effects of said bank, above and beyond its debts and liabilities; and thenceforth the capital of said bank shall be such reduced amount, and the par value of the shares thereof shall be reduced in the same proportion; and it is further provided, that if the real value of each share shall be below one-half of the present par value of said stock, then, and in that case, the directors shall be at liberty to receive subscriptions for, and issue new shares of stock to an amount which will make the capital full at one hundred thousand dollars; but nothing herein contained shall prohibit the said bank from increasing its capital stock to the amount mentioned in the original articles of association.

Notice to be
given.

§ 2. Whenever the directors of said bank shall propose to reduce the capital stock thereof, as in the first section provided, notice thereof shall be given to the superintendent of the bank department, whose duty it shall be forthwith, to make an examination of the books, property and effects of said bank, upon which examination, the officers and directors or other persons may be examined on oath, as to the debts, liabilities, property and effects thereof; such superintendent shall thereupon fix in writing, the value, in his judgment, of such property and effects, above and beyond the debts and liabilities of said bank, and if upon such examination, the said superintendent fix the value at a sum less than one hundred thousand dollars, then, and in that case, the directors shall cause the capital stock to be made one hundred

thousand dollars, as provided in the first section of this act; thereupon, the said superintendent shall make or cause to be made a reëxamination, and if upon such reëxamination, the said superintendent shall find the value of the property and effects of said bank to be one hundred thousand dollars above and beyond the debts and liabilities thereof he shall certify to the value in writing.

§ 3. This act shall not be construed in any manner to release the said bank from its liabilities, nor the stockholders from any personal liability which may now exist against them.

§ 4. The expense of examination by the superintendent of the banking department, as provided for in the second section of this act, shall be paid by said bank.

§ 5. This act shall take effect immediately.

Chap. 54.

AN ACT to amend and change the names of the Lisle and Forestburgh Plankroad Company and the Mount Hope and Lumberland Turnpike Road Company, and merge them into one.

Passed March 22, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The corporate names and titles of the Lisle and Forestburgh Plankroad Company and the Mount Hope and Lumberland Turnpike Road Company, are hereby changed and merged into one, and shall hereafter be known and designated by the corporate name and title of the Otisville and Oakland Turnpike Company; and the said Otisville and Oakland Turnpike Company shall possess and retain all the rights and privileges heretofore possessed by the Lisle and Forestburgh Plankroad Company and the Mount Hope and Lumberland Turnpike Company.

§ 2. This act shall take effect immediately.

Chap. 55.

AN ACT to change the name of Porter Ketcham Terry to James Terry Porter.

Passed March 22, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Porter Ketcham Terry, of Amityville, in the county of Suffolk, is hereby authorized to assume the name of James Terry Porter, by which he shall hereafter be known and called.

§ 2. This act shall take effect immediately.

Chap. 56.

AN ACT to establish and regulate a ferry across Sodus bay, in the town of Huron, in the county of Wayne.

Passed March 24, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall and may be lawful for Hiram W. Bradshaw, of Sodus, his heirs and assigns, to set up, keep and maintain a ferry across Sodus bay, in the town of Huron, in the county of Wayne, from a point commencing within two rods of where the public highway, known as the Ridge road, approaches said bay on the west side thereof, and running to the east side of the bay, so as to reach the highway on the east side thereof, for and during the term of ten years, commencing on the first day of May next.

§ 2. The said Bradshaw and his heirs and assigns shall, during the time aforesaid, construct and keep in repair a good and safe approach from the shore to the ferry

Ferry boats
to be kept
in repair,
&c.

boat or boats, and shall maintain a good and sufficient boat, capable of conveying across said bay, a loaded wagon, or vehicle and two horses, and cattle, and persons, and goods and chattels in such wagons or vehicles; and he shall, during all the time aforesaid, keep said ferry boat running, when required by passengers, from five o'clock in the morning till eleven o'clock in the evening.

§ 3. The said Hiram W. Bradshaw, his heirs and assigns, may charge and receive for transportation of persons, teams and wagons, or vehicles and animals so carried across said bay, as follows: Four cents for each person; ten cents for single horses or animals; twenty cents for a single team and vehicle with the load; thirty cents for a double team with vehicle and load: provided, that the board of supervisors of Wayne county may have at all times the power to regulate, increase or diminish the above rates of toll, or to extend this charter ten years after the expiration thereof, or to annul the same before the time herein specified.

Charge for
transporta-
tion, &c.

§ 4. If any person or persons shall, after the passage of this act, and during the continuance of this charter, or the time the same may be extended, as herein specified, keep or maintain a ferry, or shall transport any person, goods or chattels across said bay, voluntarily, for pay, presents or hire, within one-fourth of a mile of the ferry hereby established, other than the said Hiram W. Bradshaw, his heirs or assigns, at the points above specified, such person or persons shall, for every such offense, after said Bradshaw shall have established said ferry, forfeit and pay the sum of five dollars, to be recovered in any court having cognizance thereof, by any person who shall sue or prosecute for the same: provided, that nothing herein contained shall preclude any person or persons from the right of transporting themselves, their goods, chattels and cattle across in their own boats or on the ice thereon.

No other
person to
establish
ferry.

§ 5. This act shall take effect immediately.

Chap. 57.

AN ACT to repeal an act passed March twenty-third, eighteen hundred and fifty-seven, chapter one hundred and fifty-four, Laws of eighteen hundred and fifty-seven, entitled "An act to amend an act entitled 'An act to incorporate the Long Causeway Turnpike Company.'"

Passed March 24, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act passed March twenty-third, eighteen hundred and fifty-seven, chapter one hundred and fifty-four, laws of eighteen hundred and fifty-seven, entitled "An act to amend an act passed April seventh, eighteen hundred and twenty-three, entitled 'An act to incorporate the Long Causeway Turnpike Company,' and also to amend an act passed April eighth, eighteen hundred and twenty-six, amendatory of the act passed April seventh, eighteen hundred and twenty-three," is hereby repealed.

SECTION 2. This act shall take effect immediately.

Chap. 58.

AN ACT legalizing the conveyance of lands held by James Kemp, an alien, of Niagara county.

Passed March 25, 1859; by a "two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All conveyance, by will or otherwise, of lands held by James Kemp, deceased, an alien, of the town of Cambria, county of Niagara; and all conveyances and titles growing out of and following such will or

other conveyance, are hereby declared valid and in as full force as though said Kemp were a native or naturalized citizen.

SECTION 2. This act shall take effect immediately.

Chap. 59.

AN ACT to amend the charter of the People's College, incorporated under chapter one hundred and ninety-three, of the Laws of eighteen hundred and fifty-three.

Passed March 25, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Seven trustees, regularly convened, shall hereafter form a quorum of the trustees of "The People's College," and all acts and things heretofore done and transacted by the said board of trustees, at which a quorum of thirteen, as required by the charter, was not present, but at which seven at least of the said trustees were present, are hereby affirmed and shall be held as valid and effectual, to all intents and purposes, as though a quorum had been present.

§ 2. The said college shall be, and the same is hereby made subject to the visitation of the regents of the university, in like manner with the other colleges in this state.

§ 3. This act shall take effect immediately.

Chap. 60.

AN ACT for the relief of Jemima Webb.

Passed March 25, 1859 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the estate, interest and property of the people of this state, acquired at the death of Joseph Webb by escheat, of, in, and to the lands whereof he died seised or possessed, and known as a certain piece or parcel of land with the appurtenances thereof, situate on Ninetieth street, between the Eighth and Ninth avenues, in the city of New York, conveyed by Thomas Garrison and wife, to said Joseph Webb, by deed dated the twenty-ninth day of May, eighteen hundred and forty-nine, and recorded in the office of the register of the city and county of New York, in book five hundred and twenty-five of conveyances, page twenty-one, are hereby assigned and released to and vested in Jemima Webb, the widow of the said Joseph Webb, her heirs and assigns, forever.

SECTION 2. Nothing in this act shall affect the right of any devisee or purchaser, or of any creditor of said Joseph Webb, deceased, by mortgage, judgment or otherwise.

Chap. 61.

AN ACT to authorize the levying a tax to purchase or erect a town house in the town of Lewiston, in Niagara county.

Passed March 25, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The electors of the town of Lewiston, in the county of Niagara, at the next annual town meeting, may, by resolution, vote a sum of money, not exceeding

Vote
money.

fifteen hundred dollars, for the purchase of a site for, and the erection of a town-house in said town: provided, that a notice of intention to propose such a resolution shall have been posted within fifteen days of, and not less than seven days preceding said town meeting, in five of the most public places in said town.

§ 2. The board of supervisors of said county of Niagara are hereby authorized and required, at their next annual meeting, to cause to be assessed, levied and collected, by tax upon all the taxable property of said town, the sum so voted, which sum shall be in addition to, and assessed, levied and collected in the same manner as ordinary town charges and expenses.

Board of supervisors,
duty of.

§ 3. Such sum, so raised, shall be paid over by the collector of said town, to the county treasurer, to be drawn therefrom on the order of the supervisor, the justices of the peace and the town clerk of said town, or a majority of such officers, of which the supervisor shall be one, to be expended by them in the purchase of a town-house, or for the purchase of a site and the erection of a town-house thereon.

Money to
be paid to
county
treasurer.

§ 4. The provisions of chapter one hundred and ninety-seven of the laws of eighteen hundred and forty-seven, providing for the "erection of town-houses," so far as inconsistent with this act, are declared inoperative and inapplicable in this case, but in all other respects to be in full force and effect.

§ 5. This act shall take effect immediately.

Chap. 62.

AN ACT to consolidate and amend the several acts relating to the village of Peekskill, to alter the bounds and to enlarge the powers of the corporation of said village.

Passed March 25, 1859, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Limits.

SECTION 1. All that part of the town of Cortlandt, in the county of Westchester, embraced within the following bounds, that is to say : Beginning at the middle of Hudson's river, at a point due west from the mouth of a small brook which crosses the post road at the foot of the hill, south of the dwelling-house of Frederick W. Requa ; thence running in a line due east to a point at which said last mentioned line would be crossed by a line drawn due south from the northeast corner of Thomas Southard's land on the Peekskill turnpike, and near where McGregor's brook crosses said turnpike ; thence northerly along the west side of Washington S. Whitney's land, formerly Dr. Samuel Strang's land, to a point in a line with the northern boundary of the land of James Hawes ; thence in a line due west to the middle of Hudson's river ; thence southerly by a line running down the middle of Hudson's river until it comes to the place of beginning, shall hereafter be known by the name of " The village of Peekskill," and the territory, together with the inhabitants residing therein, shall be a municipal corporation by the name of the " Trustees of the village of Peekskill," and by that name they and their successors shall have perpetual succession ; and said corporation is hereby declared to be vested with and in possession of all the estate, real and personal, rights, privileges and immunities, which (at the time of passing this act) appertain and belong to the said village of Peekskill. The said corporation shall be capable of suing and being sued, complaining and defending in any court, make and use a common seal, and alter the same at pleasure, and shall

Corpora-
tion, powers
of

have power to hold, purchase, and convey such real and personal estate as the purposes of the corporation may require. The said village shall be divided into five districts, as follows, which may be altered from time to time by the trustees, who shall at once thereafter publish in a village newspaper, any such alteration, provided that said trustees shall have no power to make the number of said districts greater or less, and shall only have power to alter the boundaries thereof:

District number one: All that portion of the corporation lying north of the Peekskill turnpike and east of the road formerly known as the Westchester and Dutchess turnpike. District number two: All that portion of the corporation lying south of the Peekskill turnpike, east of Division street and north of the Crum pond road. District number three: All that portion of the corporation lying southerly of said Crum pond road, west of Division street and south of Centre street. District number four: All that portion of said corporation lying west of the road formerly known as the Westchester and Dutchess turnpike, and Division street, north of Centre street and east of Union street. District number five: All that portion of the said corporation lying north of Centre street and west of Union street.

Districts.

§ 2. The officers of the corporation shall consist of five trustees (one of whom shall be a resident of each of the districts aforesaid), three assessors, one clerk, one treasurer, and one collector of taxes and assessments, to be elected by the people of the corporation qualified to vote at the annual state election for member of Assembly; and the trustees shall appoint one police constable, one pound master, one highway commissioner, and such other appointive officers as shall be authorized by this act. No person shall be eligible to any office, unless he shall be, at the time, a resident and elector in said village, and of the district for which he is elected; and when any officer of said village shall not have been at the time of his election, or shall afterwards cease to be a resident of the village, or of the district for which he was elected, his office shall thereby become vacant.

Officers.

§ 3. An election of the officers of corporation shall be held annually, on the second Tuesday of April, at one o'clock in the afternoon, and continue until sunset of

Election.

that day, at such place as shall be designated by the trustees or a majority of them, to be published for two weeks successively, in one or more newspapers of the village.

Trustee to
preside.

§ 4. One or more of the trustees shall preside at such elections; and in case no trustee shall be present at the hour appointed for opening the polls, the electors assembled may appoint a chairman to preside. The presiding officer or officers at all such elections, are authorized to preserve order, judge of the qualifications of electors, canvass the ballots, and declare the persons elected by the greatest number of votes; and all the powers possessed by inspectors of elections, by the election laws of this state, are hereby conferred upon them, for the purposes of such charter election; and the persons elected, except trustees and assessors, shall hold their offices respectively, one year, and until others shall be elected, except as hereinafter provided. The trustees shall hold their office for three years, except as herein provided; within five days after the first election, they shall meet, at a time and place to be designated by the clerk of the village, of which they shall be notified, and must determine by ballot, marked one, two and three, to be drawn in the presence of the clerk, their respective terms of service. The terms of the first trustees shall be, two for one year, two for two years, and one for three years, according to the ballots they shall respectively draw. If either of the trustees shall fail to attend, the clerk shall draw for him; the result must be entered in the records of the village. At the expiration of the terms so drawn, respectively, the vacancies so existing shall be filled by an election of one or more trustees, as the case may be, who shall reside in the district or districts in which those resided whose terms of office will have expired, and those so elected shall, respectively, hold their office for the term of three years. The assessors shall hold their office for three years, one to be elected each year; within eight days after the first election they shall meet, at a time and place to be designated by the president, of which they shall be notified, and must determine by ballot, numbered one, two and three, to be drawn in presence of the clerk, their respective terms of service; the terms of the first assessors shall be, the first for one year, the second for two years, and the third for three years, according to the

Terms of
officers.

ballots they shall, respectively, draw. If either of the assessors shall fail to attend, the clerk shall draw for him; the result must be entered in the records of the village. If a vacancy happen, it must be filled by the trustees until the next annual election, and if the vacant term be not then terminated, it must then be filled for the residue of the term by election; all elections under this section shall be by ballot, and determined by a plurality of votes.

§ 5. If any vacancy, except in the board of trustees, shall happen in any elective office, the board of trustees may appoint an elector of the village to fill the vacancy, and the person so appointed shall hold the office till the next annual election and the election and qualification of a successor; and may at any time remove from office any person who shall have been appointed by them. In case of a vacancy in the board of trustees occurring in any manner, it shall be filled at a special election called by the remaining trustees, and conducted in the same manner as an annual meeting.

Vacancies.

§ 6. If any person who shall have been duly elected or appointed to any office in the corporation (excepting the treasurer and collector), shall for five days after being notified of such election or appointment, neglect or refuse to take and subscribe the oath of office prescribed by the twelfth article of the constitution of this state, or refuse to serve in said office, he shall forfeit to the use of the corporation the sum of ten dollars, with cost of action; the said oath shall be filed with the clerk of the village, and may be taken before and certified by any officer authorized to administer oaths.

Neglect to take oath, &c.

§ 7. The treasurer and police constable, before entering upon their official duties, shall severally execute a bond to the corporation in such sums and with such sureties as shall be approved by the trustees, conditioned that they will faithfully perform the duties of their office respectively, and account for and pay over, according to law, all moneys belonging to said corporation that shall come to their hands, which bond shall be filed with the clerk of the village; and the said police constable shall also execute, in the presence of the president and clerk, an instrument in writing, by which such police constable and his sureties shall jointly and severally agree to pay each and every person who may be entitled thereto, all such

Bond to be executed by treasurer and police constable.

sums of money as the said constable may become liable to pay on account of any execution which shall be delivered to him for collection; which instrument shall also be filed with the clerk of the village.

Board of trustees.

§ 8. The trustees shall form a board, and shall meet within ten days after such annual election, and by plurality of votes elect one of their number to be president of the board, who shall also be presiding officer of the corporation. The trustees shall hold such stated meetings as they shall deem proper, and special meetings may be called at any time by the president or by any two of the trustees. They shall not receive any compensation for service, nor shall they, or either of them, be interested, directly or indirectly, in any contract, promise, engagement, wages, or in any other matter or thing in which the corporation shall be a party.

Duty of clerk.

§ 9. It shall be the duty of the clerk of said village to keep the books, papers, and records belonging to said corporation; to record in a book to be provided for that purpose, the rules, votes, orders, regulations and proceedings of the inhabitants at their annual and special meetings; and also all the by-laws, votes, ordinances, and proceedings of the board of trustees; to notify officers of their election or appointment; and to perform such other duties as the trustees may, from time to time, require of him, and the trustees may allow to him such compensation for his services as they shall deem proper.

Assessor, duties of.

§ 10. The assessors shall perform all the duties, in relation to the assessment of property in said village for the purpose of village taxation, in the same manner as town assessors; and their assessment roll shall be completed, and notice of the time and place of meeting to review their assessment given, on or before the first Monday in June in each year; and it shall be the duty of said assessors, when engaged in making the annual assessment of real and personal estate in said village, to ascertain the names of all the persons in the village who are liable to a poll tax for highway purposes, and to enter the same upon, and return the same with their assessment roll to the trustees of the village. Each assessor shall receive for his compensation such reasonable sum, for every day actually spent in the performance of his duties, as the trustees

may allow therefor, not exceeding the compensation allowed to town assessors.

§ 11. The treasurer shall receive, keep, and disburse the funds of the village; he must keep proper accounts of all moneys received and paid out, and stating the name of the person to whom the payment was made; a separate account must be kept of all moneys raised for the ordinary expenses of the village by tax, including in the same all receipts for licenses, and from other sources not raised for a special purpose, and of the disbursement thereof; this is known as the general fund. A separate account must also be kept of the taxes and assessments for highway purposes, with the disbursements thereof, and also any tax or assessment for any special purpose as well as any assessment for improving, laying out, widening, or extending a street, and for the village debt respectively, with the disbursements thereof.

Duties of treasurer.

§ 12. The treasurer's book shall be, at all times, subject to the examination of the trustees; and he must prepare, and three weeks before the annual meeting, present to the president, a statement showing the condition of every fund, showing the receipts on account of the same, and the disbursements thereof, and when and to whom paid. It is his duty to pay on presentment, all claims allowed, as provided in this act, out of the proper fund, and if there be no fund out of which it can be paid, to make an entry on the claim, stating presentment and non-payment, and the reason therefor; he must also pay over to his successor in office, after he shall have taken the oath, and given the security required by this act, and not before, all balances of money received, and not legally disbursed by him, and deliver to him the books and papers of his office. The treasurer shall receive for his compensation such reasonable sum as the trustees may allow therefor.

Treasurer's book to be opened for examination.

§ 13. The police constable of said village, in addition to the other powers herein conferred, shall have the same powers and rights, and be charged with the same duties and responsibilities, by law devolved or imposed upon constables of towns; but the said police constable shall not serve any process in civil suits out of the corporate limits of the village, except in favor of said village or against a person fleeing therefrom.

Powers of police constable.

Duties of
other
officers.

§ 14. The police constable, street commissioner, pound master, and all other officers, shall perform such duties, in addition to those herein conferred, as shall be required of them by the by-laws of the corporation.

Meetings of
board of
trustees.

§ 15. The board of trustees shall meet at such places within said village, and at such times as they shall, by resolution, direct; they may, also, meet at any time and in any place within said village, when called upon for that purpose by the president, or notified by the clerk; and the clerk shall call special meetings of the board of trustees at any time, on the written request of any two trustees.

President.

§ 16. The president, when present, shall preside at the meetings of the board of trustees, and shall have, on all questions, a casting vote or ballot only. In his absence, any one of the trustees may be appointed president for the time. A majority of the board shall constitute a quorum for the transaction of business.

Manage-
ment of
finances, &c.

§ 17. The trustees shall have the management and control of the finances, and all the property, real and personal, belonging to the said corporation, and shall have power and authority within said village, to make, ordain, enact, establish, publish, modify, amend and repeal rules, regulations, ordinances and by-laws, for the following purposes:

Ordinances,
and for
what pur-
poses.

1. To prevent and suppress vice and immorality; to preserve the public peace; to protect the citizens and their property.

2. To establish and maintain a competent police; to promote the order and good government of the said corporation; and for these purposes to appoint an assistant police constable, with the same powers and duties, and under the same rules and regulations, and charged with the same duties and responsibilities by law devolved on the police constable; to appoint and empower night watchmen, and to prescribe their powers and duties.

Ibid.

3. To erect and maintain a lock-up, or place of detention for persons arrested under this act, or under any by-law or ordinance, and to confine and detain said persons therein.

4. To apprehend and punish idlers, vagrants, and disorderly, or boisterous, or riotous, or unruly persons.

5. To employ an attorney or attorneys in the prosecution or defense of any action by or against the corporation, or for the transaction of any business of the corporation requiring professional skill.

Ordinances,
and for
what pur-
poses.

6. To suppress and prohibit gaming houses, and prohibit the keeping of any public billiard table, gaming tables or bowling alleys, and prohibit all other instruments or device for gaming, and to destroy instruments or devices used for such purposes.

7. To suppress and restrain houses of ill-fame, and all disorderly, drinking and tippling houses.

8. To provide for the laying out, altering, widening, extending and opening streets, and regulating the grading, paving, repairing and improving the same.

9. To compel the owners of lots and grounds to construct sidewalks in front thereof, and to cover such sidewalks with gravel, or to flag them with brick or stone, and keep the same in repair.

10. To establish and maintain a public pound, appoint a keeper thereof, and regulate his compensation and fees.

11. To restrain the running at large of cattle, horses, swine or geese, and to authorize the distraining, impounding and sale of the same, for the penalty and costs of keeping and proceedings. *Ibid.*

12. To provide for lighting the streets.

13. To erect and maintain fire-engine houses, hook and ladder, and hose-houses.

14. To provide for the purchasing and repairing of fire-engines, hooks and ladders, hose-carts and hose, and all other necessary apparatus belonging to the same.

15. To construct and maintain a sufficient number of reservoirs or cisterns, and supplying them with water for fire-engines; and generally for providing all precautionary and proper measures and things to prevent and remove danger from fires; to provide for the extinguishment of fires; the removal and protection of property exposed to the destruction of or injury from fires; and for pulling down, blowing up, or removing of buildings, for the purpose of arresting the progress of fires and extinguishing the same; but in every case when a building shall be so pulled down, blown up, or removed, under the authority of said corporation, with the view

of arresting the progress of a fire, and said building shall be insured, the owner thereof shall be entitled to recover from the said corporation, damages to the same extent as he would have been entitled to recover against the insurers, in case such building had been destroyed by fire.

Ordinances,
and for
what pur-
poses.

16. To regulate and prevent the firing of guns, pistols, crackers, rockets, squibs, and fire-balls; the flying of kites or any other amusement or practice having a tendency to frighten horses, or annoy persons passing through the streets or over the sidewalks of the village.

17. To protect trees; to compel the keeping of the sidewalks in said village clear from snow, ice and dirt, and other obstructions, and to direct the sweeping and cleaning of the streets in said village, by the person owning or occupying the premises fronting thereon.

18. To regulate swimming and bathing in the waters within or bounding said village.

19. To prevent immoderate riding or driving within the corporate limits; leaving horses untied in the streets; and to authorize any person to stop any one, who shall be guilty of immoderate riding or driving in any of the streets of said village.

20. To regulate butchers, the location of slaughter-houses, and houses for storing gunpowder.

21. To determine the existence of a public nuisance in any part of said village, and to compel its removal or abatement; and if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien upon the lot, and to enforce the collection thereof by leasing or selling the premises in the manner prescribed in this act, or by action against the owner of the lot, or any other person who may have created or maintained such nuisance.

Ibid.

22. To prohibit, restrain and regulate all exhibitions of any natural or artificial curiosities, caravans of animals, theatricals, and other shows and exhibitions, circuses or other performances or exhibitions for money or hire, and to authorize the same on such terms as the trustees shall deem expedient.

23. To regulate and prevent the running at large of dogs within said village.

24. To restrain and prohibit hawking and peddling in the streets; to regulate sales by auction, and to grant or withhold license to auctioneers.

Ordinances,
and for
what pur-
poses.

25. To provide for the safety of the public lamps, and to regulate the use of candles, lights and fires in barns and stables, and other places peculiarly liable to take fire.

26. To prescribe the duties of all officers appointed by the trustees, and their compensation.

27. Concerning insuring the public property of said village.

28. And generally the said trustees shall have power to make and establish, from time to time, all such by-laws, ordinances, rules and regulations, not inconsistent with the laws of the United States and of this state, as may be necessary and proper for carrying into full effect the purposes of the said corporation, and the powers and privileges granted by this act, and not inconsistent with this act; and for the better enforcement of such by-laws, ordinances, rules and regulations, the said trustees shall also have power to prescribe such penalties as they may deem proper for a violation thereof, not exceeding fifty dollars for each offense; but all such by-laws, ordinances, rules and regulations shall be published in a newspaper published in said village before they shall take effect.

General
powers.

§ 18. The board of trustees shall have power by resolution, or upon view, or upon testimony of witnesses:

Ibid.

1. To compel the owner or occupant of any grocery, tallow chandler shop, soap factory, tanning stall, privy, sewer, pig sty, or any other unwholesome, offensive or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as in the opinion of the trustees the same may be necessary for the health, comfort or convenience of the inhabitants of said village; and in case such owner or occupant will not proceed forthwith as directed to cleanse, remove or abate the same, to cause it to be done at the expense of such owner or occupant, and to sue for and recover the expense thereof in a civil action.

2. To require the removal or destruction of any dead carcass or other unwholesome or offensive substance, or substance likely to become unwholesome or offensive, from any street, lot or building by the owner or occu-

pant thereof; and in case such owner or occupant will not proceed forthwith, as required, to remove or destroy the same, then to cause the same to be done at the expense of such owner or occupant, and to sue for and recover the expense thereof in a civil action; but no dead carcass shall be thrown or deposited in Hudson's river within the limits of said corporation, under such penalties for each offense, not exceeding ten dollars, as the said trustees shall prescribe.

Fire department.

§ 19. The trustees are authorized and empowered to organize and establish a fire department, to consist of one or more fire companies, one or more hook and ladder companies, and one or more hose companies; to appoint a sufficient number, not exceeding sixty to each fire engine company, and not exceeding twenty-five to each hose and hook and ladder company, with the consent of the individuals so to be appointed; a foreman for each company shall be chosen by the members of each company, in the manner to be directed by the trustees, and subject to their approval and ratification.

Ibid.

§ 20. Every member of the fire department shall, so long as he shall remain such member, be exempt from serving on juries in any court, and from paying any poll tax, and from serving in the militia, except in the case of war, invasion or insurrection; and every person who shall serve in such fire department five years successively, including the time he shall have served continually as a fireman in said village before the passing of this act, shall thereafter be entitled to the like exemption from military service, and a certificate of such service in the fire department, with a copy of this section, authenticated by the signature of the president and the seal of the corporation, shall be legal evidence before all courts and officers, civil and military, of such exemption.

Chief engineer.

§ 21. The members of the fire department are authorized to elect a chief engineer, and one or more (not exceeding two) assistant engineers of the fire department, whose election shall be subject to the approval of the board of trustees, and who may be removed by said trustees for incapacity, neglect of duty, or misconduct; the chief engineer, and in his absence the senior assistant engineer, shall have direction and control of the fire

department, subject to such regulations as shall be prescribed by the by-laws of the said corporation.

§ 22. The present firemen of the village of Peekskill, shall be firemen of said village, subject to be removed by the trustees in the same manner as other firemen.

Present
firemen.

§ 23. Every member of the fire department who shall, at the time of any fire, refuse to obey the orders of the chief engineer, or in his absence, the orders of the senior assistant engineer present, and every inhabitant of the corporation, who shall at the time of any fire, refuse to obey the orders of the president, or in his absence the orders of any trustee present, shall for each offense, forfeit such penalty as shall be prescribed by the by-laws, not to exceed ten dollars for each offense.

To obey
orders.

§ 24. Every person who shall, at the time of any fire, be guilty of mutinous conduct, or shall attempt to excite mutiny and insubordination in others, or attempt to obstruct the operation of the fire department, or the execution of the orders of the proper officers, shall for each offense, forfeit such penalty as shall be prescribed by the by-laws, not exceeding fifty dollars.

Mutinous
conduct,
&c.

§ 25. The trustees may remove any member of the fire department for negligence, disobedience of orders or misconduct, after giving him at least five days' notice, to show cause against such removal.

Trustees
may remove
for cause,
firemen.

§ 26. The trustees shall, by virtue of their office, be fire wardens of said village, and they and each of them as such fire wardens shall, when present at the occurrence of any fire, have general supervisory power over and authority to direct the officers and members of the fire department, and other persons present at any such fire, in such manner as shall be prescribed by the by-laws.

Fire
wardens.

§ 27. The said village, and for the distance of one-half mile beyond the north, east and south bounds of the same, shall constitute a highway district, and the powers and duties of commissioners and overseers of highways are hereby devolved upon, and shall be exercised by the trustees of the village, except as otherwise provided in this act; and the jurisdiction of the commissioners and overseers of highways of the town of Cortlandt, within the limits of said village, and for the distance of the aforesaid one-half mile beyond the bounds of the same, and over the taxable inhabitants, corporations, and bank-

Highway
district,
&c.

ing associations, and property therein, and the taxes levied or to be levied on the same or any of them, or any part thereof, is hereby entirely abrogated.

Commissioner of highways.

§ 28. The said trustees shall have power to appoint a commissioner of highways for said village, who shall hold his office during the pleasure of the trustees; he shall possess all the powers and perform all the duties which overseers of highways possess and may perform; he shall be subject to the direction and control of the trustees, and to such penalties as may be by them imposed upon him, for any violation of any ordinance of said trustees; he shall, before he enters upon the discharge of his duties, take and subscribe the constitutional oath of office, which oath may be taken and certified by any officer authorized to administer oaths, and shall be filed with the clerk of the village; he shall also, before entering upon the discharge of his official duties, give a bond to the said corporation, with sufficient sureties to be approved by the president of the board, and in such penalty as the trustees shall direct, conditioned for the faithful expenditure of and accounting for all moneys that may come to his hands; which bond, with the approval of the president of the board thereon indorsed, shall be filed with the clerk of the village.

Streets, how to be opened.

§ 29. The trustees are authorized and empowered to lay out, make and open any street, alley, or highway, of such width as they shall deem proper, and to cause any street, alley or highway already laid out, to be opened, altered, extended, widened or discontinued, whenever they shall deem the public good to require: provided such street, alley or highway shall not be so laid out or altered as to run over the site of any dwelling-house erected before the said road, street or highway shall be so laid out or altered, if the said dwelling-house shall exceed in value the sum of two thousand dollars; and the owner or owners of any lands over which such street, alley or highway shall be laid out or altered shall be paid a reasonable compensation for such damages as they shall sustain by reason thereof, and said damages may be settled by agreement between said owner or owners, or either of them, and the trustees; but in all cases where the amount of such damages shall not be settled by agreement, the manner of

ascertaining or assessing such damages shall be the same as is provided by law in cases of laying out and opening highways, provided the damages so ascertained shall be paid by the trustees, within sixty days after the same shall be so ascertained; and in default thereof, the said street, alley or highway, or the alteration thereof, shall be of no avail as against the rights of the owner or owners of said land. No street, alley or highway shall be laid out, opened, altered, extended, widened or discontinued under this section, except upon the petition of twelve freeholders of the corporation.

§ 30. The trustees shall have the power to cause any sidewalks in said village, which have not already been flagged and curbed, to be raised, lowered, leveled, graded, curbed, and flagged, in such manner, and with such material, as they may deem proper; and to cause any sidewalks which have been flagged and curbed to be relaid, improved, or repaired, whenever they may deem it necessary; and the said trustees shall assess the expenses of every improvement against the owner of the lot along or adjoining which such work shall be done, and which shall be a lien upon such lots, and a charge against the owners, respectively, thereof. Before doing such work, it shall be the duty of the trustees to cause a notice to be served on each of the owners resident in said village, personally, or by leaving the same at their residences, specifying the improvement to be made, of what material, and the manner in which they require the same to be done, and the time, not exceeding sixty days, in which the owners may do such work along their respective lots. The trustees may also, in their discretion, cause common sewers and drains to be made in any part of the village, upon the application, in writing, in each case, of a majority of the resident owners of the lots along which the proposed sewer or drain is to be built; and may determine what share or proportion, if any, of the expense of the same shall be paid by the village, and may require the assessors to apportion and assess the expense thereof, or the residue of such expense, upon the owner or owners of, or others interested in, the buildings, tenements, lots and real estate, which they shall deem benefited thereby, in proportion, as near as may be, to the benefits and advantages which each shall acquire

Sidewalks,
&c.

Sewers.

Expense of.

**Assess-
ments.**

thereby; a certificate of such assessment and apportionment, signed by the assessors making the same, shall be filed in the office of the clerk, and shall be binding and conclusive upon the owner or owners or others interested. And the amount assessed against the owners of, and persons interested in, each of such lots and real estate, respectively, shall be a lien upon such lots and real estate. And for all such liens and charges the trustees shall issue their warrant, and cause the same to be collected, with interest from date of the assessment, in the same manner as other village taxes and assessments are collected. Any person in possession of any real estate under contract for the purchase thereof, may, in the discretion of the trustees, be deemed the owner thereof, for all the purposes of this act.

**Expense of
paving, &c.**

§ 31. The expenses of working, paving, repairing, grading, leveling, improving and cleaning the streets, and the erection and repair of bridges, shall be denominated street expenses, and shall be provided for as follows: The said trustees shall assess, levy and collect by tax upon the taxable inhabitants and property in said village, and upon the inhabitants and property for the aforesaid distance of one-half mile beyond the north, east and south bounds of the same, annually, such an amount, denominated highway tax, as they shall deem necessary, not exceeding the sums hereinafter specified, which highway tax shall be assessed as follows: Each male inhabitant of twenty-one years of age and upwards (except ministers of the gospel and priests of every denomination, not assessed for real or personal property, firemen and lunatics), the sum of sixty-five cents, and the balance shall be assessed in just proportions according to the last assessment roll, among and upon all persons owning property and estate, real and personal, non-resident owners of property, incorporated companies, banks and banking associations in said village, and within the distance of the aforesaid half mile beyond the north, east and south bounds of the same, not exceeding seven cents for every hundred dollars, which moneys shall be expended by the commissioner of highways, under the direction and control of the trustees, upon the streets, highways and bridges in said village, and as otherwise by this act authorized and directed; any sur-

plus more than enough for said street expenses, shall remain in the treasury and be reported or accounted for by the trustees.

§ 32. The trustees are authorized and empowered to raise money by tax, in manner as herein provided, to pay all contingent and stated expenses of the corporation, and also to carry into effect the several powers and privileges granted by this act; but no such tax, except the poll tax, the dog tax hereinafter provided for, shall be levied or collected until the same shall have been authorized by a vote of the taxable inhabitants of the corporation, at their annual election of officers, or at a meeting called by the trustees, for the purpose of authorizing the assessment and collection of taxes. Before any tax for a contingent or stated expense of the corporation can be voted for at any such meeting, a notice must be published, by order of the trustees, and signed by the president and clerk, for at least two weeks before such meeting, in all the newspapers published weekly in said village, stating that the meeting will be called upon to vote for a contingent or stated tax, specifying the object or objects, stating the sum proposed to be raised for each object, and an estimate by items of the cost of each proposed object, and submitting one or more resolutions substantially in the following form: "Resolved, that the sum of _____ dollars be raised by tax for the purpose of" (stating concisely the purpose of raising the proposed tax); if more than one resolution be proposed, they shall be numbered. The vote thereon shall be taken by ballot, which shall have in the inside the words "for the resolution," or "against the resolution," and be deposited in a separate box, to be labeled "village tax," and when more than one resolution is submitted the vote shall have the words "for the first resolution," or "against the first resolution," and so as to each resolution submitted. No contingent or stated expense which is not thus presented and voted upon shall be collected, and no item thus voted, or any part thereof, shall be used for any other purpose than the specific purpose for which it was voted, and any surplus thereof unexpended for that specific purpose, shall be and remain in treasury, and be accounted for and reported by the trustees; but its purpose and object may be

To raise money.

Tax, &c.

Vote by ballot.

changed to any other object by a subsequent resolution of another meeting, submitted by the trustees, and adopted, after due notice, in the same manner as herein provided for the resolution directing such tax, when such change can be made without violating a contract. The vote on such resolution shall be taken by ballot, having on the inside the words "for the resolution," or "against the resolution;" but the amount of taxes to be raised in any one year over and above what are herein denominated street expenses, and what are required for opening new streets or alleys, extending or widening streets, and over and above the dog tax, shall not exceed two thousand dollars, except at the first annual meeting after the passage of this act, a further tax sufficient to pay up all arrears of village indebtedness shall be assessed and collected.

Votes for
taxes.

§ 33. All votes for taxes or appropriations of any kind, or for any purpose, shall be taken and determined as provided in the section immediately preceding hereof, at any annual election of officers, or at a meeting called by the trustees for the purpose of authorizing the assessment and collection of taxes.

Assessors to
apportion.

§ 34. Whenever any tax shall have been voted to be raised as herein provided, the assessors shall apportion the same among the taxable inhabitants of the corporation, and non-resident owners of property therein, and corporate bodies therein (and in case of a tax for street expenses, in addition thereto, on any and all of similar parties within the distance of one-half mile beyond the north, east and south bounds of said village, as is hereinbefore provided), in just proportions, according to the last assessment roll, or according to a new one, when thereunto required by the trustees; and a new assessment roll shall be made at least once in each year. They shall add to the tax to be assessed against each individual who shall have refused or neglected to pay his tax of any former year, and which shall not have been collected, the amount of his tax so unpaid; they shall give ten days' notice of the time and place at which they will meet to review the assessment roll, which shall be given by posting said notice in five of the most public places in the corporation. When the assessors' roll shall have been reviewed and completed, and the taxes, including the dog tax herein-

after provided for, highway tax, and local assessments, are therein entered, and the assessors shall have annexed their certificate thereto, the same shall be filed with the clerk of the village, and shall then be denominated the tax roll of the village; a duplicate thereof shall be made, which, with the proper warrant under the hands of the trustees, and the seal of the village, directed and delivered to the collector, shall be the authority of the collector to collect said taxes, including said dog tax, highway taxes and assessments.

§ 35. All tax rolls, when corrected and completed, and filed with the clerk of the village, shall be a lien on the real estate therein described to the amount of the several taxes and assessments as aforesaid; and all taxes and assessments levied as aforesaid, shall be collected by the collector of said village, subject to the provisions of this act, by virtue of such warrant as aforesaid, together with his fees, which shall be one per cent if paid within fifteen days after public notice given by the collector of the receipt of such roll, which notice, containing the fact of the receipt of said roll, and the times (not less than three), and the places where the same may be paid to him, shall be published twice, consecutively, in a weekly newspaper published in said village; and upon all sums paid or collected after that time, five per cent; and in case any person, corporation or corporate body shall refuse to pay his or her taxes and assessments, or any of them, and the fees aforesaid, the collector shall levy the same by distress and sale of the goods and chattels of the delinquent, in the same manner as collectors of towns and county taxes are authorized to do; and such warrant shall command, require and authorize such collection of such taxes and assessments, and such enforcement thereof; and all moneys collected by the collector shall, after deducting his compensation therefor, be paid by him into the treasury of the village.

§ 36. Every person elected or appointed collector under the provisions of this act, shall, before he enters upon the duties of his office as collector, and within five days after the tax roll shall be filed with the clerk, execute to the said village, by its corporate name, and filed with the clerk, a bond, with two or more sureties, to be freeholders of the county of Westchester, and to be approved by the

Tax roll.

Collector to execute bond.

president, and in such penalty as the trustees shall direct, and conditioned for the faithful discharge of his duties as such collector, and for the honest and faithful accounting for and paying over all moneys which shall come to his hands as such collector. In case the person elected or appointed collector, under the provisions of this act, shall not comply with all the directions contained herein, then, and in that case, the trustees are authorized to appoint a collector, under their hands and the seal of the village, who shall, after his appointment; execute and file a bond in the same way and manner; to be approved, in the penalty, and with the same condition as the bond of the person elected or appointed is required to do.

Warrant for
collection.

§ 37. Whenever the collector shall receive any warrant for the collection of any tax or assessment directed to be levied by the trustees, as provided by this act, it shall be his duty to give the notice required to be given, as specified in section thirty-five of this act; but after the expiration of the time mentioned in said notice, it shall be his duty to proceed and collect the same out of any personal property of the persons, corporations or associations, whose real or personal estate is assessed or taxed, in the manner required by law for the collection of town and county taxes by collectors of towns; and in case the said collector cannot find sufficient personal property to levy on, and from which to make any tax or assessment upon, any real estate assessed or taxed on said roll, with his fees and costs, it shall be his duty to advertise the premises assessed or taxed, to be sold in the manner and for the time required in cases of sales of real estate on execution, and conduct the sale in the same manner. Any person may stop the proceedings, at any time before sale, by paying to the collector the amount of tax and assessment charged upon such real estate, with the interest thereon, collector's fees, and the costs and expenses of advertising. All sales of real estate under this act shall be for the shortest period for which any bidder will take the premises and pay the amount of tax, assessments, collector's fees, costs and expenses. When any sale shall be made by the collector, he shall make and subscribe duplicate certificates thereof, containing a description of the property sold, the amount and times

Sales of
real estate.

for which it was sold, stating the amount of taxes and assessments and the items of the fees, costs and expenses, for which such sale was made, and the time within which the premises may be redeemed, one of which shall be filed with the clerk of the village, and the other shall be delivered to the purchaser. The collector shall be entitled to a fee of one dollar for drawing said certificates, which shall be included in and form a part of his fees, which he shall be entitled to receive in case of a sale. The owner and his judgment creditors shall have the same right of redemption, in all cases of such sales, in the same manner and to the same extent as is allowed by law in cases of sales of real estate by execution, except that the purchaser shall receive interest at the rate of fourteen per cent per annum on the sum bid on said sale, from the time of sale; and the money, in case of redemption, shall be paid to the purchaser or village clerk for him. In case of no redemption at the expiration of twelve months from the day of sale, or in case of redemption by any judgment creditor or creditors of the original owners, it shall be the duty of the president and clerk to issue to the purchaser, or to the redeeming creditor or creditors, as the case may be, a declaration, under the corporate seal of the village, and signed by said president and clerk, and duly acknowledged by said president, before any officer authorized to take the acknowledgment of deeds, in the same way and manner as deeds are acknowledged, containing a description of the premises sold, the aggregate amount of taxes, assessments, collector's fees, costs and expenses of sale, and the period for which the premises were sold; which declaration shall be sufficient evidence of the right to the use and occupancy of said premises for said period, to be computed from the day of sale. All buildings which may be erected on the premises during the period of such occupancy, under the right given by such sale and proceedings, may be removed at or before the expiration of the time for which the premises were sold; and all the provisions of the act entitled "An act authorizing mortgagees to redeem real estate sold for taxes and assessments," passed May fourteenth, eighteen hundred and forty, shall apply to every such sale. And any mortgagee of the premises, or any part thereof, shall have the benefit of said act. And the

Fee of collector, &c.

notice required to be given by the second section of said act shall not be given until after the time limited for the owner or his judgment creditor or creditors to redeem.

Neglect to
pay poll tax.

§ 38. If any person shall refuse or neglect to pay any poll tax assessed to him, on demand thereof, the collector may bring an action against him in the corporate name of the village, which action may be commenced by summons, returnable forthwith before any justice of the peace of the town of Cortlandt, residing or keeping an office in the village of Peekskill, for the recovery of the tax so assessed, with the costs of such action, and the collector shall, by virtue of this act, be authorized to appear and conduct such action on behalf of the corporation, without any warrant of attorney therefor; and the same proceedings shall be had to enforce the collection of any judgment which may be recovered in such action as are provided in this act for the collection of judgments recovered in actions to recover penalties or forfeitures.

Suits
brought for
recovery of
poll tax, &c.

§ 39. In any suit brought by the collector for the recovery of any such poll tax, the tax roll filed with the clerk, or the duplicate in the hands of the collector, shall in all cases be sufficient evidence on behalf of the corporation that such tax has been duly assessed against the persons whose names are upon said roll and assessed for poll tax.

Warrant to
be annexed
to roll, &c.

§ 40. The warrant of the trustees to the collector, annexed to the tax roll delivered to him, shall be returnable within forty days after the receipt thereof by the collector; and on receiving such tax roll and warrant, the collector shall make thereon a certificate, signed by him, stating the time of its receipt by him, which certificate shall be sufficient evidence in all cases of the time of the receipt of such tax roll and warrant by said collector; and in cases where the collector is obliged to resort to the sale of real estate for the collection of any tax or assessment, the sale of such real estate may be made at any time within three months after the return day of said warrant, and such sale shall be valid notwithstanding such return day shall have passed.

Collector to
pay over
money
within
forty days.

§ 41. Within forty days after the receipt of any tax roll and warrant by the collector, he shall pay over all moneys collected by virtue thereof to the treasurer of the village; and if any taxes or assessments remain

unpaid or uncollected for any cause, he shall make a return containing a statement of such taxes and assessments, the persons against whom the same are assessed, and if any of them are charged upon real estate; the said assessment shall contain a brief description of such real estate, corresponding substantially with the entries in the tax roll, which return or statement shall be verified by oath and filed with the clerk; and if any collector shall refuse or neglect to pay over to the treasurer the sums required by this warrant to be paid over, or to account for the sums so unpaid, the treasurer shall, after the expiration of ten days from the time such warrant is returnable, issue a warrant under his hand and seal, directed to the sheriff of the county of Westchester, commanding him to the same effect, in substance, as in the warrant authorized by law to be issued by a county treasurer, and if any moneys shall remain uncollected on said warrant to the sheriff, the village treasurer shall immediately give notice thereof to the president, whose duty it shall be to cause the bond of the collector and his sureties to be prosecuted in the name of the corporation, and the moneys collected in such action shall be paid in the village treasury.

§ 42. If any tax or assessment assessed upon the personal estate of any person, corporation or banking association in said village, shall not be paid, and no goods or chattels of such person, corporation or association can be found whereof to make the same by distress and sale, such tax or assessment may be levied and made by a sale of any real estate in said village owned by or assessed to such person, corporation or banking association, in the same manner as if the same were assessed upon such real estate; and any tax or assessment upon the personal estate of any person, corporation or banking association, to whom any real estate owned by such person, corporation or association is assessed, shall be a lien thereon; and in all cases where any taxes or assessments shall remain unpaid or uncollected, for want of sufficient goods and chattels whereof to make the same by distress and sale, at any time after the time for the return of the warrant by the collector shall have expired, an action may be brought and maintained by the corporation against the person, corporation or association taxed

Tax or assessment
upon personal estate.

or assessed to recover the same, with costs of the action, in any of the courts of this state, and the same proceedings shall be had to enforce the collection of any judgment which may be recovered in such action, as are provided in this act for the collection of judgments recovered in actions to recover penalties or forfeitures; but such action shall not operate to release any lien upon property for such tax, until the judgment recovered in such action shall have been fully satisfied.

Defective
description.

§ 43. If, at the time of levying any annual tax, any tax or assessment levied upon any real estate in any previous year, shall, by reason of a defective description of such real estate or for any other cause, remain unpaid, the amount thereof, with interest, may be added to such annual tax, and charged upon the real estate upon which it was originally assessed, and the same proceedings in all respects for the collection thereof may be had, and with the like effect, as in case of the tax or assessment on the same real estate for the then current year; but in all cases of the charging of any tax or assessment of any previous year upon such real estate, the year or years in which the same was originally levied shall be specified on the roll, and the amount thereof shall be separately specified in the proper column, and the real estate upon which it is charged shall be properly and sufficiently described on the roll by the trustees, in case it is not already sufficiently described thereon by the assessors.

Owners of
dogs, &c.

§ 44. The owner or possessor of every dog or bitch in the village of Peekskill, shall be taxed in said village in addition to the usual town tax on dogs; and the assessors of said village, at the time of making their annual assessment, shall inquire and ascertain the number of dogs and bitches liable to be taxed, and shall enter in a list to be made by them, the name of every person in said village then owing or keeping any dog or bitch, the number kept by such person, and the whole amount of tax to be paid by him; and upon every bitch of three months old or upwards, owned or kept by any one person or family, there shall be annually levied and collected a tax of one dollar; upon every additional bitch owned or kept by the same person or family, two dollars; upon one dog of six months old or upwards, other than bitches, owned or kept by one person or family, fifty cents; upon

every such dog more than one kept by the same person or family, one dollar.

§ 45. The owner or possessor of every dog or bitch liable to the above tax, shall, whenever required by any assessor, deliver to him a description, in writing, of every such dog or bitch owned or possessed by him. For every neglect or refusal so to do, and for every false statement made in any description so furnished, he shall forfeit five dollars, to be recovered by the board of trustees. Dogs taxed.

§ 46. If any person, duly assessed for a dog or bitch, shall refuse or neglect to pay the tax so assessed for five days after demand thereof, it shall be lawful for any person to kill the dog or bitch so taxed. Neglect to pay tax.

§ 47. The moneys so collected by the collector of said village for taxes on dogs, after retaining in his hands a commission at the rate of five dollars upon the hundred dollars, shall be paid to the treasurer of said village for the general purposes of said village. Moneys, how applied

§ 48. Two weeks before the annual meeting in each year, the trustees shall publish in such newspaper in the said village as shall have the most subscribers residing within the corporate bounds of said village, a detailed and specific statement of the expenditure of all moneys which shall have been received by tax the preceding year for any purpose, which statement shall show how much money has been received and collected, and for what purpose, and to whom it has been paid out and for what purpose, which statement shall be signed by the trustees, and verified as to its fullness and accuracy by the affidavits of the president and clerk. The said statement shall also be filed with the clerk of the village. Expenditures of all moneys, to be published in newspaper.

§ 49. The trustees shall have no power to borrow money on the credit of the corporation, nor shall they have any power or authority to incur any debt against the corporation, beyond the amount of the taxes for the current year, without being thereto specially authorized by a vote of the taxable inhabitants of said village, qualified to vote upon a resolution for raising money by tax. Trustees have no power to borrow money.

§ 50. Any officer or person who shall assume to create a debt, or incur a liability against the corporation, or shall assent thereto, shall be personally liable for such debt or liability, and to the village for such money; and all the trustees present at a meeting when such viola- No debt to be created, &c.

tion shall have been enacted, shall be deemed to have assented, unless his dissent be expressed thereat and entered upon the journal. Any willful violation of the last section shall also be a misdemeanor.

Appointed
officers.

§ 51. All officers not made elective by this act shall be appointed by the trustees, and may be removed by them at pleasure.

Trustees
may remit
poll tax.

§ 52. The trustees shall have power to remit any poll tax levied upon any indigent person, who is sick, lame or infirm, and to discharge him from the payment thereof; and also to discharge any judgment which may have been recovered against such indigent person, who is sick, lame or infirm, without payment thereof.

To correct
assessment
rolls.

§ 53. The trustees shall have full power in all cases to correct the assessment or tax rolls, whenever it shall be made to appear to them that any mistake has been made therein. And they shall also have full power and authority to correct the descriptions of real estate therein, and to add all necessary descriptions of real estate thereon, when a proper description thereof has been omitted by the assessors, or when the description thereof by the assessors shall appear to the trustees to be in any way defective.

Voters how
to be qual-
ified.

§ 54. No elector shall be entitled to vote upon any question, resolution or direction relating to the raising of money by tax, or the disposition of any funds or property of the corporation, unless at the time of offering to vote upon such question, resolution or direction, he shall be liable to be assessed for personal estate possessed by him, or real estate owned by him in said village.

§ 55. The term "person" in this act, shall be deemed to include all corporations and associations as well as natural persons.

§ 56. No person shall be deemed incompetent as judge, justice, juror, witness, sheriff or constable, in any suit, cause or proceeding, in which the corporation shall be a party, by reason of his being an inhabitant of the said village, excepting in the case of jurors for the assessment of damages, on the opening of streets therein.

Actions
brought by
corporation.

§ 57. In any action brought by or in the name of said corporation to recover any fine, penalty or forfeiture imposed by this act, or which may be imposed or given by any rule, regulation, ordinance or by-law, passed, or-

ordained or enacted by the trustees, it shall in all cases be sufficient, without setting forth any special matter, to allege in the complaint, that the defendant is indebted to the said corporation in the amount of such fine, penalty, or forfeiture, whereby an action hath accrued, according to the provisions of this act, naming the subject thereof by reference to the section, or according to the rules, regulations, ordinances or by-laws of said village, naming the subject thereof, and referring briefly to the section or other division of the rule, regulation, ordinance or by-law, for a violation of which the action is brought, and also to the date of its passage or enactment by the trustees, and process for the commencement of any such action shall have an indorsement thereon, to the effect that it is issued to enforce a penalty or forfeiture, imposed in accordance with the provisions of this act, incorporating the village of Peekskill, and no other indorsement thereon shall be necessary.

§ 58. The trustees shall have power to enforce all provisions of this act, and all rules, regulations, ordinances and by-laws, by them enacted or ordained, in pursuance of the powers conferred upon them by this act, by enacting or ordaining penalties or forfeitures to be incurred for each and every violation of the same, not exceeding fifty dollars for any one offense, to be recovered, with costs, in the corporate name of the village, in any court having cognizance thereof. The pleadings or proceedings, except as is herein otherwise directed, shall be the same as prescribed by the Code of Procedure, and the party in whose favor judgment shall be rendered, shall have execution of such judgment, in like manner as in other cases; all expenses incurred in prosecuting for any penalty or forfeiture shall be defrayed by the corporation, and all moneys recovered or collected therefor shall be paid into the treasury for the general purposes of the village.

Trustees
may enforce
all provisions
of law,
&c.

§ 59. All persons who shall sell strong and spirituous liquors within the limits of said village, without license, or in violation of any license granted, all habitual drunkards, all drunken persons or persons found intoxicated in the streets of said village, all riotous persons or persons found engaged in quarreling and fighting in said village, and all persons assembled on Sunday, without justifiable

Sale of
liquors with-
out license.

cause, on the premises of the corporation where fire apparatus is kept, in addition to those persons enumerated in the first section of title fifth, chapter twentieth of the Revised Statutes, shall be deemed disorderly persons, and may be proceeded against and punished according to the provisions of this act; and the trustees of said village, and each of them, and the police constable, and assistant police constable, shall have power, and are hereby authorized, at any and all times, to arrest, or cause to be arrested, with or without process, any disorderly person or persons mentioned in the preceding part of this section, and shall have power, with or without process, to enter, or cause to be entered, any building or place within the limits of said village, and arrest, or cause to be arrested, any such disorderly person or persons, and shall take them forthwith before any justice of the peace or officer having jurisdiction, as the case may be, residing in said village, to be dealt with according to the provisions of this act; and the said trustees, and each of them, and the said police constable, and assistant police constable, shall have power, at any and all times, to command assistance from any of the inhabitants of said village to make any such arrest. In case a justice of the peace or officer having jurisdiction, as the case may be, cannot be found in said village, then the officer so arresting any such offender may detain him or her in custody, or commit him or her to the lock-up in said village for safe keeping until a justice or officer having jurisdiction can be found, but not to exceed forty-eight hours, when the officer making the arrest shall immediately bring such offender before the justice of the peace or officer having jurisdiction, as the case may be, to be tried as hereinafter provided.

**Disorderly
houses.**

§ 60. When any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested and brought before any justice of the peace or officer having jurisdiction in said village, the said justice or officer having jurisdiction shall proceed forthwith to hear, try and determine the complaint or charge on which such person is so arrested, or he may, in his discretion, adjourn the hearing or trial, on cause shown, not to exceed five days, and in the meantime shall commit the offender to the village lock-up until

such day, or suffer him or her to go at large on his or her executing a bond with surety, under the approval of said justice, conditioned that he or she will appear on said adjourned day; and upon the conviction of any such offender, either by confession or competent testimony, the said justice or officer having jurisdiction, as the case may be, shall have power, and is hereby authorized, to punish by fine not exceeding fifty dollars, or by imprisonment in the village lock-up not to exceed thirty days, or by imprisonment in the county jail of Westchester county not to exceed six months, or by both such fine and imprisonment.

§ 61. Whenever any real estate in said village shall be owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all, for any purposes requiring a notice under this act.

§ 62. The trustees may take precautionary measures to guard the public health, in times of pestilence, and to provide against infectious or pestilential diseases, when they appear in the village, by providing suitable places for the temporary removal of persons having such diseases, from the populous parts of the village, and to pay the expenses incident to such removal. Public health.

§ 63. The order for the payment of moneys allowed by the board of trustees shall state the purpose for which it is drawn, and the fund which it is drawn upon; it shall be signed by the president and clerk, and unless so drawn shall not be paid by the treasurer. Orders for payment of money.

§ 64. All former acts incorporating the village of Peekskill, and the several acts amendatory thereof, are hereby repealed; but this repeal shall not affect any act done, right acquired, or privilege granted, or any proceedings, suit or prosecution had or commenced previous to the time when such repeal shall take effect; but every such act, right, privilege, proceedings, suit or prosecution shall remain as valid and effectual as if said acts had remained in force; and all the officers elected or appointed under and by virtue of the acts hereby repealed, shall continue in office until and including the Wednesday succeeding the first annual election under this act. Former acts

§ 65. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 66. This act is hereby declared to be a public act, and shall take effect immediately.

§ 67. The legislature may, at any time hereafter, alter, amend, modify or repeal this act.

Chap. 63.

AN ACT in relation to the Albany and Bethlehem Turnpike Company.

Passed March 26, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the directors of the Albany and Bethlehem Turnpike Company, to put up and maintain in conspicuous places, at each end of their bridge across the Normanskill, a notice in large characters, in the following words: "One dollar penalty for riding or driving over this bridge faster than a walk;" and while such notices are so maintained, if any person shall ride or drive faster than a walk on such bridge, he shall forfeit one dollar, to be sued for in the name of said corporation, and recovered with costs of suit.

§ 2. Section twenty of the title of the Revised Statutes, relating to "turnpike corporations," shall be as applicable to the said corporation, as if the provisions of said section had originally been incorporated in the charter of said company.

§ 3. This act shall take effect immediately.

Chap. 64.

AN ACT to confirm the official acts of persons appointed by the governor to fill vacancies in the office of justice of the peace.

Passed March 26, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The official acts and proceedings of the several persons heretofore appointed by any governor of the State of New York to the office of justice of the peace in the different towns and cities of this state, who have heretofore entered upon the duties of their office, are hereby declared to be of the same force, effect and validity as if they had been legally elected to said office.

SECTION 2. All liabilities and forfeitures incurred by the said several persons so appointed to the office of justice of the peace as aforesaid, for having executed any of the duties and functions of the said office of a justice of the peace, are hereby remitted; and all liabilities and forfeitures incurred by any other person or persons, and by any other officer or officers, for having done any act founded upon such official act or acts, or proceedings, are hereby remitted.

SECTION 3. This act shall not affect or impair any suit or legal proceedings that may have been had or commenced by reason of the invalidity of any act or proceeding, by or before the said several persons so appointed to the office of justice of the peace, as aforesaid.

SECTION 4. This act shall take effect immediately.

Chap. 65.

AN ACT to revise and consolidate the act to incorporate the village of Hoosick Falls, and the several acts amending the same.

Passed March 26, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

TITLE I.

OF THE BOUNDARIES OF THE VILLAGE.

Limits.

SECTION 1. All that part of the town of Hoosick in the county of Rensselaer contained within the following limits shall constitute the village of Hoosick Falls, to wit: Beginning at a point due north, one hundred and sixty rods from the southwest corner of the brick building known as Gordon's or the Caledonian factory, in said village, and running thence due east one hundred and twenty rods; thence due south three hundred and twenty rods; thence due west two hundred and forty rods; thence due north three hundred and twenty rods; thence due east one hundred and twenty rods, to the place of beginning; and the inhabitants residing therein are hereby constituted and declared a body politic and corporate, by the name of the village of Hoosick Falls.

§ 2. The board of trustees may divide said village into so many highway, fire, lamp and watch districts as they may deem proper, and establish the limits thereof, or change the same at pleasure.

§ 3. The said village, and the persons and property liable to be assessed for highway labor therein, shall be a separate road district, and shall be exempt from the jurisdiction and power of commissioners of highways of the town of Hoosick, excepting only so far as relates to the bridges over the Hoosick river in said village, and the laying out, altering and widening public highways in said village; and the rights and duties of said commissioners, in relation to said bridges, and opening said highways, shall remain as before the passage of this act.

TITLE II.

OFFICERS OF THE VILLAGE—THEIR ELECTION AND APPOINTMENT.

§ 1. The officers of the village shall be as follows : Officers.

1. A president ;
2. Four trustees ;
3. A police justice ;
4. One or more police constables ;
5. A collector ;
6. A chief engineer of the fire department ;
7. A treasurer ;
8. A clerk ;
9. A superintendent of streets ;
10. A pound master ;
11. A fire warden.

§ 2. At the first election under this act, a president and four trustees shall be elected by the electors of said village ; the president shall hold his office for one year only ; two of the said trustees shall hold their office for one year only, and the other two shall hold their office for two years ; and the term for which the person is voted for shall be designated on the ballot. At each annual election thereafter, a president and two trustees shall be elected, the president to hold his office for one year and the trustees for two years.

§ 3. The chief engineer and two assistants shall be elected by the fire department, subject to the approval of the board of trustees. The clerk, police constables, street superintendent, treasurer, collector, fire warden and pound keeper shall be appointed annually by the board of trustees, and hold their respective offices during the pleasure of the trustees ; the treasurer and street superintendent shall not be appointed from the board of trustees. Chief engineer.

§ 4. The police justice shall be appointed by the board of trustees and hold his office for two years from the last Tuesday in May next, unless sooner removed, for cause shown. Such justice shall receive such reasonable compensation for his service as the trustees may prescribe, and he shall, before entering upon his duties, execute a bond, with two good and sufficient sureties, to the village Police justice.

of Hoosick Falls, in the sum of two hundred and fifty dollars, conditioned that he will, within five days after the same shall have been received by him, pay to the treasurer of the village, all fines and penalties, and all fees collected by him.

Terms.

§ 5. All officers elected or appointed under this act, shall hold their respective offices, unless sooner removed or disqualified, until their successors shall be elected or appointed and qualified.

Oath of office.

§ 6. Every person elected or appointed to office under this act, who shall refuse or neglect to file the oath of office, hereinafter required, for five days after personal notice in writing from the clerk of his election or appointment, shall be deemed to have declined the office, and his place may be filled as in case of a vacancy, and he shall forfeit for the use of the village five dollars.

Officers to be residents &c.

§ 7. No person shall be eligible or appointed to any office, unless he shall be at the time a resident and elector of said village. Trustees must be resident freeholders of the village, and whenever any officer of said village shall cease to be a resident of said village, his office shall thereby become vacant.

Vacancies.

§ 8. If any vacancy shall happen in any elective office, it shall be the duty of the board of trustees to direct a special election to fill the same. Notices shall be put up, and the election shall be conducted in the same manner as annual elections are conducted.

Bonds.

§ 9. The treasurer, collector, street superintendent, police constable, and such other officers as may be required by the board of trustees, shall severally, before they enter upon the duties of their respective offices, execute and file with the village clerk, a bond to the village of Hoosick Falls, in such sum and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them, respectively.

Oath, &c.

§ 10. The several officers elected or appointed under this act, shall each, before entering upon the duties of his office, take and file with the clerk the oath of office provided by the constitution.

Voters.

§ 11. All the inhabitants of said village qualified to vote at town meetings, who have resided in said village

thirty days next preceding said election, shall be entitled to vote for all officers to be elected, and at all elections to be held by virtue of this act; but no person shall vote upon any proposition to raise a tax or appropriate the same, unless he shall at the time be liable to be assessed for such tax.

§ 12. The first election under this act shall be held on the second Thursday in May next, and thereafter annually on the last Tuesday in March, at such place in said village as shall be designated by the board of trustees, and six days' notice shall be given of said election by posting notices of the same in five public and conspicuous places in said village.

First election.

§ 13. The trustees shall be inspectors of election, and one or more of them shall preside at such election; and in case no trustees shall be present, the electors may appoint a chairman to preside. The presiding officers at all such elections are authorized to preserve order, judge of the qualifications of electors, canvass the ballots, and declare the persons having the greatest number of votes elected.

Inspectors of election.

§ 14. The polls of said election shall be opened at one o'clock in the afternoon, and shall be kept open without intermission till four o'clock in the afternoon; and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and shall make out and certify a statement thereof, which shall be filed with the clerk of the village.

Polls, &c.

TITLE III.

OF THE BOARD OF TRUSTEES.

§ 1. The board of trustees shall hold stated meetings on the first Saturday in every month, at such place as may be determined by them, and special meetings whenever called by the president or by any two trustees, by notice to each member of the board, to be served personally or by leaving the same at his place of residence.

Board.

§ 2. The president shall be a trustee, and when present he shall preside at the meetings of the board of trustees; in his absence any one of the trustees may be appointed chairman for the time. A majority of the board shall constitute a quorum for the transaction of business, but

no question, except on a motion to adjourn, shall be decided without a vote of a majority of all the trustees elected.

Trustees to
have control
of finances.

§ 3. The said board of trustees shall have the management and control of the finances, and all the property, real and personal, belonging to said corporation, and shall examine, settle and audit all accounts against the village, of its officers and others. They are authorized, within the limits of said village :

Authority
of trustees.

1. To preserve peace and good order, to prevent and quell riots and disorderly assemblages.

2. To regulate the police of said village.

3. To restrain and suppress disorderly and gaming houses ; all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within said village.

4. To prohibit the selling or giving away in said village, to any person under the age of eighteen years, to be drank, any intoxicating drinks.

5. To prohibit, restrain and regulate all exhibitions of any natural or artificial curiosities, caravan of animals, theatrical or other shows and exhibitions, circuses or other performances for money, and authorize the same on such terms as the board of trustees shall deem expedient.

6. To repress houses of ill-fame, billiard tables and bowling alleys.

Ibid.

7. To provide for the abatement of nuisances ; to compel the owners or occupants of any tallow chandler's shop, soap factory, butcher's stall, tanning stalls, privy or sewer, or other unwholesome or nauseous house, or thing or place, to cleanse, remove or abate the same from time to time, so often as in the opinion of the trustees the same may be necessary for the health and comfort of the inhabitants of said village, and to abate nuisances by causing the same to be removed, and shall have full power to enter upon the premises upon which the same is situated, and cause the same to be removed, and cause the expenses thereof to be assessed upon and collected from the premises, upon which the same is situated ; and may also enforce the penalty imposed by the ordinances of said village.

8. To direct the location of all slaughter-houses, markets, and houses for storing gunpowder or any combusti-

ble substances; and to regulate the keeping and carrying of gunpowder and other dangerous materials, and the use of candles and lights in barns, stables, or other buildings.

9. To prohibit the exhibition of fire-works, and the discharge of fire-arms and fire-crackers within said village. Powers of trustees.

10. To appoint watchmen for said village.

11. To prevent horse-racing, immoderate driving in the streets of said village, and to authorize the stopping of any one who shall be guilty of immoderate riding or driving in said streets, by any person; and to prevent the flying of kites, rolling of hoops, playing ball, sliding down hill on sleds, or any other amusements or practices having a tendency to endanger or annoy persons passing on the streets or sidewalks, or to frighten teams or horses in said village.

12. To prevent encumbering the streets, squares, sidewalks, crosswalks, lanes and alleys, with teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, fire-wood, coal, or any other substance or material whatever.

13. To prevent or regulate the erection or construction of any projections, from or opposite of any building, in, over, or upon any of the streets or sidewalks in said village, and to cause the same to be removed at the expense of the owner or occupant of the premises.

14. To prohibit any person from buying and depositing ma. above ground, within the limits of said village, any dead carcass or other unwholesome or offensive substance, and to require the removal or destruction, by any person who shall have on or upon his premises any such substance, or any putrid meats, fish, hides or skins of any kind; and on his default, to cause the removal or destruction thereof by some officer of the village, at the expense of such person.

15. To direct the keeping and returning of bills of mortality.

16. To appoint one or more health commissioners, who, with the president, shall constitute the board of health of the village; and such board of health shall be subject to the provisions of the act entitled "An act for the preservation of the public health," passed April tenth, eighteen hundred and fifty, in addition to the powers which may be authorized under this act.

Powers of
trustees.

17. To take such measures as they shall deem efficient to prevent the entrance of any pestilential, contagious, infectious and dangerous disease in the village.

18. To regulate and determine the times and places of bathing and swimming in the waters of said village.

19. To restrain the running at large of cattle, horses, swine or other animals, and to authorize the distraining and impounding, and sale of the same for the penalty and costs of keeping and proceedings.

20. To compel all persons to keep snow and dirt from and off the sidewalks in front of the premises owned or occupied by them.

21. To regulate the ringing of bells and the crying of goods, wares and merchandise, or other commodity, in the said village.

22. To restrain and regulate the hawking, peddling, auction crying, or sale of property in the streets of said village.

23. To prevent and regulate the running at large of dogs in said village, and to authorize the destruction of the same.

34. To prescribe the duties, powers, number and compensation of watchmen.

Ibid.

25. To establish, change, and regulate the public pounds.

26. To provide for lighting the streets in the village, and the protection and safety of the public lamps.

27. To prescribe the powers and duties of the treasurer, clerk, street commissioner, pound masters, fire wardens, watchmen, and of all officers, except collector, appointed by the board of trustees, and the amount of their compensation.

28. To procure fire-engines and other implements and apparatus for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine-houses and other places for preserving and keeping the same and other public property of the village.

29. To organize and establish a fire department, to be composed of one or more fire, hook and ladder, bucket and hose companies, in said village. To appoint firemen, the members not to exceed sixty to each company, and to regulate the management, use and protection of the

engines, hose-carts, buckets, hooks and ladders, and other apparatus and property belonging to said village, and to prescribe the powers and duties of each of said companies, and of all members thereof; such members shall always be subject to removal by the trustees.

30. To protect the property, both real and personal, of individuals, at times of fires, and to appoint guards for the protection of the same, and to prescribe their powers, duties and compensation. Powers of trustees.

31. To authorize the fire wardens, at reasonable times, to enter and examine all houses, stores, yards, and out-buildings, to ascertain if they are in a dangerous state in regard to fire, and to direct and compel the owner or occupant to put the same in a safe condition, and in default, to appoint any person to do the same at the expense of such owner or occupant.

32. To regulate the use of public buildings, public grounds, markets, and the sale of fresh meat and vegetables in said village.

33. To purchase and sell real estate for any of the purposes mentioned in this act.

34. To insure the public property in said village.

35. To make such other general ordinances, by-laws Ibid. and regulations, not repugnant to the general laws of the state, as they shall deem expedient for the good government of the village, and not inconsistent with this act.

36. To restrain, regulate and control the speed of locomotive engines upon any and every railroad within said village to a rate of speed not less than ten miles an hour, and to impose a penalty of not exceeding one hundred dollars for each and every violation of such by-law, rule or regulation.

37. For the purposes aforesaid, or any of them, or of executing any other powers conferred upon them by this act, to make, establish, modify, amend and repeal ordinances, rules and regulations, and by-laws, and to prescribe such penalties or fines as they may deem proper for a violation of them, respectively, not exceeding fifty dollars for any one offense, except as herein otherwise provided, and to collect the same of any person guilty of such violation, in any court having jurisdiction of such cases; but a copy of all such rules, ordinances, regula-

tions and by-laws shall be put up in five public places for five days before they shall take effect.

Powers of trustees.

38. In all actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws or police regulations made in pursuance of this act, or the by-law, ordinance or regulation under which the penalty is claimed, on judgment being recovered for any such penalty, execution may issue of like form and effect, and in the same manner as in actions for other wrongs.

Ibid.

39. The trustees of said village are hereby authorized to furnish and maintain a lock-up or place of temporary confinement, at the expense of the corporation of said village, for the safe keeping and confinement of prisoners. The said police justice is hereby authorized to commit to said lock-up all vagrants or disorderly persons, in those cases in which he could lawfully commit them to the jail of the county; and all persons who shall be found drunk in the public streets till they become sober; and all criminal offenders convicted before him, whose term of imprisonment shall not exceed ten days. It is hereby made the duty of said trustees to provide proper sustenance and maintenance for all prisoners confined therein, and all charges for the same, and for maintaining said lock-up, shall be paid by said corporation of said village, and shall be solely a village charge.

TITLE IV.

OF OFFICERS OF THE VILLAGE, THEIR POWERS AND DUTIES INDIVIDUALLY.

§ 1. It shall be the duty of the president of the board of trustees to see that the laws of the village are faithfully executed, and to recommend to the board such measures as he may think necessary and expedient, and as the head of the police of the village he shall maintain peace and good order. In case the president shall be unable to perform the duties of his office in consequence of sickness or absence from the village, the board of trustees shall by ballot appoint one of their number to preside at their meetings, and the presiding officer thus chosen shall be vested with all the powers and perform all the duties of the president of the village until the

president shall resume his office, or the vacancy shall be filled according to law.

§ 2. The board of trustees shall be assessors of the village, and it shall be their duty in each and every year, on or before the first day of June, to prepare an assessment roll of property subject to taxation in said village, and file the same with the village clerk; they shall possess the like powers and perform their duties in the like manner as town assessors, according to the laws of this state. Notice of the time and place of meeting to hear applications to correct the valuations, must be put up in five public and conspicuous places in said village at least one week prior to the time appointed for such hearing.

Board of trustees to be assessors

§ 3. The trustees shall be fence viewers, and shall possess authority in respect to division fences and walls in the village.

Fence viewers.

§ 4. It shall be the duty of the clerk of said village to keep all the books and papers belonging to said village; to attend all the meetings of the village board; to keep a journal and record the proceedings of said board at every meeting thereof; to record all by-laws, orders, rules, regulations, ordinances and resolutions made or passed by said board; to receive, file and preserve all returns of the election of village officers, all reports of the treasurer, all bonds of village officers, with the approvals thereof, all returns of votes taken on any question submitted to the electors and taxable inhabitants of said village for approval or disapproval, and all other papers required to be filed by any provision of this act, or by the direction of said board; to attend all elections of village officers, and at votings upon any question submitted as aforesaid, and to keep a poll of all persons voting at any such election, under the direction of the presiding officers; to put up all notices in the manner prescribed and directed by this act, or by any by-law or ordinance of said board; to serve written notices of their election on all officers elected under this act; to keep an accurate account, under appropriate heads, of expenditures of all warrants and the amount thereof, drawn by said board or the treasurer, in a check book to be kept by him for that purpose; to make out the tax roll; to keep the corporate seal of said village, and to perform

all other duties required by this act, or by any by-law or ordinance of said board.

Treasurer's
duties.

§ 5. The treasurer shall receive all moneys belonging to the village, and keep an accurate account of all the receipts and expenditures. All moneys shall be drawn from the treasury in pursuance of an order of the board of trustees, by warrant, signed by the president or presiding officer of the board, and countersigned by the clerk. The books and entries of the treasurer, and the check book of the clerk, shall be open for the inspection of any elector of the village at all reasonable hours. The treasurer shall exhibit to the board of trustees, at least fifteen days before the annual election in each year, a full account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

Police jus-
tice.

§ 6. The police justice shall possess the same powers and jurisdiction in all civil and criminal cases, and be subject to the same duties and liabilities, and shall collect the same fees as justices of the peace in the town of Hoosick; he shall keep his office in said village, and hear all complaints, hold courts of special sessions, and conduct other criminal business as is now, or may by law be done by a justice of the peace of the town of Hoosick. Said police justice shall not serve as an auditor of town or county accounts, or serve as an inspector of elections at town meetings in said town.

The police justice shall be a commissioner of deeds for the county of Rensselaer, and possess the same powers as commissioners of deeds in the several cities of this state; he shall not be required to account to the board of trustees for any fees which he may receive for services done as commissioner of deeds.

Police jus-
tice to pay
over fines,
&c.

§ 7. The police justice shall, within five days after the same shall have been received by him, pay to the treasurer of the village all fines and penalties that may be collected by him in any proceeding for violating village by-laws or ordinances, and shall account for and pay over all other fines and penalties, as now required by law of justices of the peace; and the police justice, in all cases when, in his judgment, a complaint has been made before him without probable cause, shall impose the cost and

expenses upon the complainant, and enforce the collection thereof as in other cases.

§ 8. The said police justice shall not be entitled to receive any fees to his own use for services performed under this act, but he shall keep an account of the business done by him as such police justice in three separate parts; of which one shall consist of such items as are village charges, and one of such items as are town charges, and the other of such items as are county charges. So much of said fees as accrue under the by-laws and ordinances of said village, shall be paid by the village, and the balance shall be raised and paid by the board of supervisors of Rensselaer county, as town and county charges are allowed and paid; but no fees shall be returned as town or county charges in any case where the fine or penalty shall have been payable to the treasurer of the village.

Fees of police justice.

§ 9. The street superintendent shall not be a member of the board of trustees; he shall have the general supervision and charge of all public grounds, highways, streets, lanes, alleys and sidewalks in said village, under the direction of the board of trustees, and the said superintendent shall be required to perform all such duties pertaining to his office as the said board may from time to time prescribe, and shall be allowed such compensation for his services as the said board shall deem reasonable.

Street superintendent.

§ 10. The police constable shall have the same power and authority, and be subject to the same liabilities and obligations, except as herein otherwise provided, as constables elected in any of the towns of the county of Rensselaer. It shall be their duty to obey such orders as they may from time to time receive from the president of the village regarding their duty; to report to the president all violations of the corporation ordinances, with the names and residences of witnesses; to preserve the public peace; to be vigilant for the prevention and discovery of crime, and the detection of criminals; to report to the president all crimes and offenses committed in the village; to arrest all persons in the actual commission of crimes, misdemeanors, breaches of the peace, or violations of corporation ordinances; to execute all criminal process issued by the police justice, or by any other officer authorized to issue criminal process; to report to the president all suspicious persons, houses of ill-fame, gaming houses,

Police constable.

and all places where idlers, tipplers, gamblers and other disorderly and suspicious persons congregate; and to perform such other duties from time to time as the president of the village may direct. They may take into their custody any person intoxicated, so as to be unable to take care of himself, and keep him in a proper place, provided by the trustees, until he be taken care of by his friends, or able to go about his business. Every person so arrested shall be immediately reported to and brought before the police justice, or other magistrate authorized to act, who shall enter the fact and cause of the arrest in a book to be kept by him. The police constable shall be entitled to the same fees as other constables for services in like cases.

Trustees to
be, ex offi-
cio, police
constables.

§ 11. The trustees for the time being, shall be, ex officio, police constables, and shall have power, without process, to arrest and bring forthwith before the police justice, any person or persons guilty, in his or their presence, of violating any of the provisions of this act; or any by-law, rule, or ordinance of the village, or disturbing the peace thereof.

TITLE V.

Board of
trustees to
levy tax.

§ 1. The board of trustees are authorized and empowered to raise annually, by tax, to be assessed upon the estate, real and personal, within said village, such an amount of money, denominated highway tax, as they shall deem necessary, not exceeding the sum of six hundred dollars; which sum shall be assessed as follows: Each male inhabitant of twenty-one years of age and upwards shall be assessed seventy-five cents, and the balance shall be assessed upon estates, real and personal, within said village, according to the value of their property, as it shall appear upon the assessment roll for the year in which such money shall be raised; which money shall be expended by the superintendent of streets, under the direction and control of the trustees, for keeping in repair the streets, highways, bridges, lanes, alleys and sidewalks in said village, and for no other purpose whatever. The board of trustees shall cause the village tax roll to be made out and filed, together with a copy thereof, in the office of the clerk.

§ 2. The collector shall give notice of the time of receiving such tax roll and warrant, and designate in said notice some convenient place for receiving said tax. Any person may pay his tax at any time within twenty days after such notice, by paying the amount of the same and one per cent fees to the collector. After twenty days from such notice, the collector shall be entitled to five per cent for collecting said tax.

Collector to give notice, &c.

§ 3. The tax roll when completed shall be delivered to the collector, with a warrant thereto annexed, under the seal of the corporation, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described, with his fees for collecting the same, and to return said warrant and roll within sixty days after the date of the warrant.

Tax roll.

§ 4. The collector shall proceed to collect the unpaid taxes in the said roll specified, and shall have and possess all the powers and authority conferred by law on the collectors of county taxes, and shall pay over all moneys collected by him to the village treasurer, and take his receipt therefor, and make return to the village clerk of the amount collected by him and paid over, and of the taxes remaining unpaid.

Collector duties of.

§ 5. The board of trustees may renew, from time to time, any warrant issued for the collection of any tax or assessment, whenever any tax or assessment shall be returned uncollected.

Warrant to be renewed.

§ 6. Whenever any person whose estate or property shall be assessed or taxed, shall neglect or refuse to pay the same, and there shall be no personal property found whereon the same may be levied, or out of which such tax or assessment can be collected, the collector shall make return thereof to the board of trustees, who are authorized to cause the estate which was so assessed to be sold at public auction, for a term of time, for the payment of such tax or assessment, giving four weeks' notice of such sale by putting up notices in five public and conspicuous places in said village, and serving personal notice on the owner or agent of said estate, if a resident of such village, or by depositing the same in the post office, directed to such owner at his reputed place of residence, and the same shall be sold to the person who

Neglect to pay tax.

shall offer to take it for the shortest term for the payment of such tax or assessment, with interest, and the expense of such notice and sale.

Real estate
sold.

§ 7. Whenever any real estate shall be sold for the collection of any tax or assessment, and the owner thereof, his heirs or assigns, shall not, within one year thereafter, have paid or tendered to the purchaser, or his legal representatives, or to the treasurer of the village of Hoosick Falls, the amount of such tax or assessment and all expenses, with interest at the rate of seven per cent per annum from the time of such sale, the board of trustees shall deliver to the purchaser thereof a certificate of such sale under the seal of said corporation, and signed by the president, the execution of which may be proved or acknowledged as a deed, and upon the receipt of such certificate the purchaser may proceed to serve upon the holder of, or owner of, any mortgage, judgment or decree which may be a lien upon such lands or any portion thereof; and in case the person or parties holding or owning such mortgage, judgment or decree shall neglect to redeem the premises contained in said certificate, within six months from the time of serving such notice, such certificate may be recorded in like manner and with like effect as in the case of other conveyances of real estate.

Purchaser,
&c.

§ 8. The purchaser at any such sale, receiving such certificate, or his executors, administrators or assigns, may, in case the lands are not redeemed as herein provided, enter into the possession of such real estate, and hold, occupy and enjoy the same, during the term for which it was sold, and shall be at liberty to remove all the buildings and materials which he may erect or place thereon.

Special elec-
tion.

§ 9. Whenever the trustees shall be of the opinion that the interest of the village requires the expenditure of any money for any extraordinary or special purpose, the said trustees shall have the power to call a special election, and submit the question of raising such money to the qualified voters in said village, or they may submit the same at the annual election; but in either case they shall, before submitting the question, make an estimate of the sum necessary to be raised for such purpose, and shall state the amount, which shall not exceed the sum of three hundred dollars in any one year, and the object for which

it is required, and cause the statement to be filed with the clerk, and a copy thereof to be put up in five public and conspicuous places in said village, at least ten days preceding the day of such election. The board of trustees may, after making and putting up such statement, call an election by giving the same notice as is required at annual elections, and shall designate in said notice some convenient place in said village for holding the polls of said election. The trustees shall be inspectors of said election, in the same manner as at the charter elections in said village. Every person of twenty-one years of age, liable to be assessed for such tax, shall be considered a qualified voter at such election. The polls of said special election shall be opened and closed in the manner provided for holding elections in said village. On the ballots deposited at said special election, shall be written or printed "for special tax," or "against special tax." The votes received at said special election shall be canvassed, and the result certified, and the certificates thereof filed with the clerk; and the board of trustees, at their next meeting after said election, shall cause the result, as appearing by said certificate, to be entered in their minutes; and if it shall appear that the whole number of votes received at such election with the words "for special tax," shall exceed the whole number of votes against special tax, it shall be the duty of the said board of trustees to cause the said sum of money so estimated and voted for to be assessed, levied and raised on the estate, real and personal, in said village, according to the value thereof, as it shall appear upon the assessment roll of the year in which such tax shall be levied and raised, which money shall be faithfully applied to the special object for which it was raised, and to no other. The said board of trustees shall be commissioners of highways in and for said village, and shall have all the powers of commissioners of highways of the several towns of this state, subject to this act, and as such they shall also have power to lay out, open, construct, straighten, widen and alter highways, streets, lanes, alleys and sidewalks in said village; and for that purpose may take and appropriate any land, garden or inclosure in said village; but no highway, street, lane, alley or sidewalk shall be laid out or opened in said village, unless

Trustees' duties in regard to special election

Ballots.

Commissioners of highway.

Improvement on streets, &c.

all claims for damages on account of such laying out or opening shall be released without remuneration, except upon the written petition of six freeholders residing in said village; which petition shall specify the improvement to be made, describe generally lands to be taken, and state the names of the owner or owners thereof, and shall be filed in the office of the clerk of said village. Whenever such petition shall be presented to the trustees, it shall be their duty to meet and examine the proposed alteration or improvement, and deliberate upon the same; and if, in their opinion, the said alteration or improvement is necessary and proper, they shall so decide by a resolution, to be entered in the minutes of the proceedings of the board, and they shall thereupon put up in five public and conspicuous places in said village, a correct description of all the lands which they deem it necessary to take to make said alteration or improvement, and a notice that the said trustees will, on a day specified in said notice, not less than five days from the date thereof, meet and hear any objections that may be made to the taking of such land and making the said improvement. The trustees must also serve a copy of the said description and notice on the owner or owners of said land, at least five days previous to the said meeting of the said board of trustees, unless such owner is a non-resident, in which case such description and notice must be deposited in the post office at Hoosick Falls, directed to said owner at his reputed place of residence, at least twenty days before such meeting. Any person interested may be heard and may introduce testimony before the board of trustees touching the matter, on the day specified in said notice, or on such other days as the board of trustees may appoint. After such hearing, if sufficient cause be shown, the trustees may deny the prayer of the petition; but if no sufficient cause is shown, the trustees shall declare their intention to make the said alteration and improvement, and proceed to obtain possession of the lands described in the manner provided by this act.

Highway or alley laid out.

§ 10. Whenever any highway, street, lane, alley or sidewalk is laid out, altered, straightened or widened, the damages claimed by reason thereof may be determined by agreement between the board of trustees and the persons claiming such damage; but in case the dam-

ages are not so determined, nor released without remuneration, the said board of trustees shall, on being notified by the president, as in case of a special meeting of the board, meet to determine and award said damages. They shall give at least five days' notice to the owner or owners of said lands, of the time and place of meeting, unless such owner is a non-resident, in which case, notice may be sent by mail, directed to his reputed place of residence, twenty days before said meeting. The said trustees shall be sworn faithfully and impartially to execute their duty in ascertaining such damage and assessment, according to their best judgment and ability; they shall carefully view and examine the premises, and hear the proofs and allegations of the parties, and reduce the testimony, if any is taken, to writing, and after the testimony is closed, they shall ascertain, determine and award to the owner or owners of such land, such damages as they will, in their opinion, sustain by the laying out, opening, altering or widening such highway, street, lane, alley or sidewalk, after making due allowance for any benefit which the said owner or owners may derive therefrom. The determination and award of the trustees shall be signed by them and filed in the office of the village clerk, and a copy served on the persons entitled to such award. If no appeal is made within twenty days from the time of such service, the determination and award of the said trustees shall be final and conclusive on all persons interested.

§ 11. No trustee who is interested in any lands taken and appropriated for highways, streets, lanes, alleys or sidewalks, shall act with the trustees when sitting as a board to award the damages for taking such land; but the police justice in said village shall act instead of such trustee, and shall have for the purposes of such award all the rights and powers of a trustee.

Trustees
interested
in lands not
to act with
board.

§ 12. Any person interested therein may, within twenty days after notice of the determination, award and assessment of the board of trustees, appeal from the board of trustees, by petition to any judge of a court of record in the county of Rensselaer, or in any adjoining county in this state, praying for the appointment of three commissioners, residing in said village, to review the said determination, award and assessment of the trustees, and all

Appeal.

their proceedings, whether for irregularity or otherwise, in relation to taking the lands for which such award is made. The person appealing shall execute a bond to the village of Hoosick Falls, in the penalty of two hundred and fifty dollars, conditioned for the payment of the fees of said commissioners and costs of appeal, in case the award of the board of trustees shall not be increased twenty dollars by said commissioners. Such bond and a copy of said petition filed with the clerk of the village, with a notice of the time and place when the same will be presented to said judge, shall operate as a stay of proceedings until the decision of the said commissioners thereon. All persons appealing from the award of the trustees for one single and continuous improvement, shall join in one petition, and may execute one joint and several bond to the village, and there shall be but one set or board of commissioners appointed to review such proceeding, and award the damages for such improvement. On presenting such petition to the said judge, with proof of service of a copy thereof and notice as aforesaid, any person interested may be heard in the matter. The said judge shall, after hearing the parties, appoint three competent freeholders residing in said village, not interested in the lands to be taken, nor of kin to the owner or owners thereof, nor a trustee of said village, commissioners to review the proceedings of said trustees, and ascertain, determine and award the damages sustained by reason of laying out, altering or widening such highway, street, lane, alley or sidewalk. In case the commissioners, so appointed, or any of them, shall refuse to serve, or be disqualified, the said judge may appoint other commissioners in like manner. The said commissioners shall meet within ten days after notice of their appointment; they shall give the president of the village five days' notice of the time and place of their meeting: they shall be sworn faithfully and impartially to execute their duty in reviewing the proceedings of the board of trustees, and in ascertaining and awarding such damages according to their best judgment and ability; they shall carefully view and examine the premises, and hear the proofs and allegations of the parties, and shall review the whole proceedings of the trustees in relation to making said improvement. If they find the proceedings of the trustees

Petition to
be present-
ed to judge.

Commis-
sioners to
meet.

have been irregular and not in accordance with the provisions of this act, they shall annul the same, and the whole proceedings shall be null and void, and the costs shall be paid by the village. If the proceedings have been regular, the said commissioners shall proceed to ascertain, determine and award to the owners of such land, such damages as they will in their opinion sustain by the laying out, opening or widening such highway, street, lane, alley or sidewalk. The determination and award of the commissioners shall be signed by them, and returned by them to the president of the village, within ten days after the first meeting of the commissioners, and the said determination and award, which shall be filed with the village clerk, shall be final and conclusive on all persons interested, and the trustees may thereupon take possession of the said lands and make the said improvement. The commissioners shall be entitled to one dollar per day for their services. The commissioners, and the trustees when acting as a board to award damages, shall have power to compel the attendance of witnesses in the same manner as justices of the peace.

§ 13. Whenever a final award is made for the damages sustained by reason of laying out, opening, widening or altering any street, lane, alley or sidewalk in said village, which damages shall not, taken together, exceed the sum of three hundred dollars in any one year, the board of trustees shall, within twenty days after such final award, assess the amount of such damages upon the estate, real and personal, in said village, and shall make out an assessment roll of such damages, which assessment roll shall be signed by the president and filed with the clerk of the village, and shall be collected in the same manner as the annual tax roll is collected. And the trustees shall, within one year from the time of such final award and determination, pay or tender the amount of such damage to the persons to whom the same shall have been awarded; and in case such owner shall refuse the same, or be unknown, non-residents of the village, infants, idiots or lunatics; or the rights and interests of persons claiming the same shall be doubtful, it shall in such cases be lawful for the trustees to pay the amount of such damages into some bank in the county of Rensselaer, for the bene-

Final award
for damages

fit of such person or persons, accompanied by a statement of the facts under which such payment is made.

Tax to be
raised for
opening
streets, &c.

§ 14. The board of trustees are authorized and empowered to raise by assessment and by tax, upon the real and personal property in said village, in the manner provided by this act, a sum not exceeding three hundred dollars in any one year, to be applied exclusively to the payment of damages for opening, straightening or widening highways, streets, lanes, alleys and sidewalks in said village; but no sum shall be raised for such purpose, unless the improvement shall have been determined on and the damages awarded by a final determination; and no such improvements shall be made in said village, the whole cost of which, taken together, shall exceed the sum of three hundred dollars in any one year, without the trustees being thereto specially authorized by a vote of the taxable inhabitants of said village, qualified to vote upon a resolution for raising money by tax. Nothing contained in this section shall be taken to authorize the raising of any sum in addition to the sum of three hundred dollars authorized to be raised by the last preceding section of this act.

Trustees to
plank and
flag side-
walks.

§ 15. The board of trustees are authorized and empowered to plank, flag, and repair the sidewalks in said village, and assess one-half the expense of such improvements upon each lot or parcel of land fronting upon or adjoining such sidewalk, and in case a sidewalk shall be made on one side only of any street, lane or alley, such portion of the expense thereof shall be assessed on the lots on the opposite side of such street, lane or alley as the trustees shall deem equitable.

Assessment
roll.

§ 16. Upon the assessment being made under the preceding section, an assessment roll shall be made by the clerk and signed by the president, and filed in the clerk's office, and a copy delivered to the collector, to be collected in the same manner as the annual tax roll.

§ 17. The board of trustees shall cause all the streets, highways, lanes and alleys hereafter laid out and opened in said village to be surveyed, described, mapped and recorded in a book to be kept by the clerk for that purpose.

Old streets,
&c.

§ 18. The board of trustees shall have power to cause such of the streets, lanes, and alleys in said village as

shall have been heretofore regularly laid out or dedicated, but not recorded or sufficiently described, and such as shall have been used as public for twenty years but not recorded, to be ascertained, described and entered of record, in a book to be kept by the clerk in said village.

MISCELLANEOUS PROVISIONS.

§ 1. No account or claim against the village shall be paid until it shall have been presented to the board of trustees, and audited and allowed by them, at a regular meeting of the board. A trustee shall not be allowed to vote on the auditing of a claim in which he has any interest. No amount or claim shall be audited or allowed by the trustees, until it shall be made out in items, and shall be accompanied by a declaration of the claimant, that the several items of such account or claim are correct, and that no part thereof has been paid.

Claims
against vil-
lage.

§ 2. Nothing in the last preceding section shall be construed to prevent the said board from disallowing any account or claim, in whole or in part, nor from requiring other and further evidence of the correctness and reasonableness thereof.

§ 3. The said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account or advanced in its behalf by its officers, or by any other person; nor shall any of its money or property be applied to any such purpose; nor shall said village incur any debt or liability beyond the amount of taxes specially applicable to the payment of such debts or liabilities, which shall have been voted to be raised in said village, according to the provisions of this act, exceeding the sum of one hundred dollars, which debt shall be paid out of the first money raised thereafter.

Village can-
not borrow
money.

§ 4. Any officer or person who shall assume to create a debt, or incur a liability, or appropriate any money or property of the village, contrary to the last section, shall be personally liable for such debt or liability, and to the village for such money or property.

Any officer
incurring
debts on
part of vil-
lage.

§ 5. No member of the board of trustees shall be interested in any contract to which the village shall be a party.

Judge and
juror.

§ 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or tax-payer in the village of Hoosick Falls, in any action or proceeding in which the village is interested.

§ 7. Any penalty incurred by any minor for violating any by-law, rule or regulation of the board of trustees, may be enforced and collected of the parents or guardians of such minor.

Practicing
physician,
duty of, in
case of in-
fectious dis-
ease.

§ 8. Every practicing physician, in said village, who shall have a patient afflicted with any infectious or pestilential disease, shall, within twenty-four hours after the existence of any such disease shall be discovered by or known to him, report the same to the president or health officer of said village; and for any neglect to make such report, such physician shall be subject to a penalty of not less than five nor more than fifty dollars.

* §. If any person, having been an officer in said village, shall not, within ten days after notification and request, deliver to his successor in office, all the property, papers and effects of every description, in his possession, or under his control, belonging to said village, or appertaining to his office, he shall forfeit and pay, for the use of the village, fifty dollars, besides all damages caused by his neglect or refusal so to deliver.

Firemen.

§ 10. Firemen of the village of Hoosick Falls shall, during the time of their service, be exempt from poll tax, jury duty, and the performance of militia duty, except in case of war, invasion or insurrection. The evidence to entitle such persons to the exemptions provided in this section shall be a certificate signed by the president, who shall require proof that such person has faithfully discharged his duty as such fireman.

Costs in
suits, &c.

§ 11. Every person elected or appointed to any office under this act, who shall be sued for any act done or omitted to be done, in virtue of his office, and who shall have final judgment in his favor, whereby he shall be entitled to costs, shall recover double costs as defined in the Revised Statutes.

§ 12. No member of the village board shall, under any pretense whatever, receive any compensation for his services as a member of said board.

* So in original.

§ 13. The board of trustees shall keep and preserve a journal of all its proceedings; and all questions passed upon by said board shall be taken by ayes and noes, when required by one of the trustees, and shall be entered and recorded in said journal, and said journal shall also contain the names of the members of said board, present, and voting on any question, and the affirmative and negative votes of the members so voting.

Journal of
board of
trustees.

§ 14. The trustees shall report in writing to each annual meeting of the electors, a statement or account of the receipts and expenditures of the corporation for the preceding year, which statement shall show the name of every person who shall have had any account or claim allowed by them, the amount of such claim, and a brief statement of the nature of the demand, and shall be filed with the clerk.

Report of
trustees.

§ 15. The trustees shall have power to keep in repair the main or principal highway and the sidewalk along the same, leading from the said village to the Hoosick Falls cemetery grounds, and pay the expense of the same out of the highway tax.

Repairs on
highways,
&c.

§ 16. The power and jurisdiction of the trustees, the police justice and the police constables, for the purpose of preserving the peace, preventing crime, and making arrests for crimes, misdemeanors and disorderly conduct, shall extend to and include the grounds of the Hoosick Falls cemetery, and the highway leading thereto.

Power and
jurisdiction
of officers
for preserv-
ing peace.

§ 17. All former acts relating to the village of Hoosick Falls are hereby repealed, but such repeal shall not affect any act done or right secured or established, or any suit, proceeding or prosecution had or commenced previous to the time when such repeal shall take effect; but every such act, right or proceeding, and the by-laws, shall be as valid and effectual as if said acts had remained in force, and all officers or persons had been elected or appointed according to this act; and all estate, real and personal, vested in or belonging to the village of Hoosick Falls when this act shall take effect, shall continue to be vested in and belong to the village.

Former
acts.

§ 18. This act is hereby declared to be a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained.

§ 19. This act shall take effect immediately.

Chap. 66.

AN ACT to amend the charter of the village of Oxford.

Passed March 26, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Fire depart-
ment.

SECTION 1. The board of trustees of the village of Oxford, Chenango county, shall have power to establish and organize a fire department, to be composed of one or more fire, hose, and hook and ladder companies in said village, the members of which company or companies shall not exceed fifty to each fire, hose, or hook and ladder company, and to regulate the use, management and protection of the engines, hose carts, hooks and ladders and apparatus belonging to said village ; to prescribe the powers and duties of the fire, hose, and hook and ladder companies, and all members thereof, in every particular, the members of which companies shall be always subject to removal for cause by the board of trustees.

Trustees to
procure fire
engines.

§ 2. The board of trustees shall have power to procure fire engines and other apparatus necessary for the prevention and extinguishment of fires, and have the care and control of the same, and shall provide suitable and secure engine houses and other places for keeping and preserving the same, and for the use of said companies.

Firemen,
how ap-
pointed.

§ 3. The firemen shall be appointed to the different companies in said fire department by such companies as said companies by their by-laws shall direct, but any such appointment shall be subject to the approval of the said board of trustees, and made with their consent.

Exemptions.

§ 4. The evidence to entitle any person who shall become a member of the said fire department, and shall serve as such for five years, to the exemptions to which such person is entitled by the laws of this state, shall be a certificate under the corporate seal, signed by the clerk of said village and the chief engineer of the fire department.

§ 5. The members of the fire department shall, on the first Monday of April annually, at some suitable place to be designated by the president of the board of trustees, at which meeting the president of the board of trustees, or in his absence one of the trustees shall preside, and shall then and there elect by ballot a chief engineer, an assistant engineer, a clerk and treasurer of the fire department, subject to the approval of the board of trustees, who shall hold their offices for one year and until others are elected in their places; which said officers, or either of them, may be removed by the board of trustees for incapacity, neglect of duty or misconduct. In case the said board of trustees shall remove any of said officers for cause aforesaid, or any vacancy shall happen in any of said offices by death, resignation, removal, refusal to serve, or otherwise, the said board of trustees shall order a new election to fill such vacancy, at such time and place as they shall deem proper.

Chief-engineer and assistant engineer.

§ 6. The members of the several companies of said fire department shall elect their own officers, except as above mentioned, at such time and in such manner as they shall by their by-laws direct.

Officers, how elected

§ 7. The chief engineer and assistant engineer shall have the direction and control of the fire department, subject to the by-laws and regulations of the board of trustees; and every member of the fire department, or any other person who shall, during the time of any fire, neglect or refuse to obey the order of such chief engineer or assistant engineer, shall forfeit for each offense the sum of five dollars.

Duties of engineers.

§ 8. The board of trustees shall pass ordinances and by-laws for the rule and regulation of said fire department, and shall have power to affix such penalties for a breach of such by-laws, or either or any of them, as they may deem necessary and expedient.

Ordinances.

§ 9. The members of said fire department shall have power to pass and enforce by-laws for the rule and regulation of their members, not inconsistent with the ordinances and by-laws passed by said board of trustees, and shall have power to affix such penalties for a breach of such by-laws, as they shall deem necessary and expedient.

By-laws.

§ 10. All penalties relating to said fire department, or for a violation of any by-law passed by the members of

Penalties for violations, &c.

such fire department, shall be sued for and collected in the corporate name of the said village, and when collected shall be paid over to the treasurer of said fire department, for the benefit of said fire department. And no person shall be incompetent either as judge, justice of the peace, juror or witness in any action in which the village of Oxford is interested, or shall be a party, by reason of his being an inhabitant or owner of real or personal estate in said village.

Tax to defray expenses of fire department.

§ 11. The board of trustees of said village shall have power to levy and collect by tax, in the same manner that taxes are now levied and collected in said village, a sum not exceeding two hundred dollars in any one year, by a vote of two-thirds of the said board of trustees, to defray the expenses of said fire department, and the incidental expenses of said village.

Fire wardens.

§ 12. The fire wardens of said village, or either of them, shall have power to enter upon any premises, or into any building whatever, where there may be any stove, stove pipe, fire place, chimney or ashes, and examine and ascertain if they are in a dangerous state in regard to fire; and the owner or occupant of any such premises or building shall, immediately after notice from such fire wardens, or either of them, remove any ashes, and put the stoves, and stove-pipe, fire places or chimney in a safe condition, as required by the said fire wardens or fire warden; and in default thereof the said fire wardens, or either of them, may employ any person or persons to do the same at the expense of such owner or occupant; such expense to be collected of such owner or occupant in the corporate name of the village of Oxford.

§ 13. This act shall take effect immediately.

Chap. 67.

AN ACT further to amend the charter of the village of Dunkirk.

Passed March 26, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of an act passed April fourteenth, eighteen hundred and fifty-five, being chapter four hundred and seventy-seven of the laws of eighteen hundred and fifty-five, is hereby amended by adding thereto the words following, viz. :

And in cases where repairs are required to be made to sidewalks, and the lots against which said sidewalks are required to be repaired are owned by a resident of said village, it shall be sufficient to give said owner notice thereof in writing, or by leaving the same at his residence with some person of suitable age and discretion, requiring him to repair the same within five days after such notice, and in case of his neglect to do so the same may be repaired as the trustees shall direct, and the expense thereof shall be assessed and collected as now provided by the charter of said village in relation to building sidewalks. And in cases where repairs are required to be made on sidewalks where the owner is a non-resident or unknown, it shall be sufficient to publish a notice thereof in the village paper, requiring said owner to repair the same within ten days after the first publication of said notice, and in case of his neglect to do so the same may be repaired as the trustees shall direct, and the expense thereof shall be assessed and collected in the same manner as hereinbefore provided in relation to lots owned by residents of said village.

§ 2. Subdivision three of section eleven of an act passed April sixteenth, eighteen hundred and fifty-two, entitled "An act to amend an act entitled 'An act to incorporate the village of Dunkirk,'" passed May fifteenth, eighteen hundred and thirty-seven, is hereby amended so as to read as follows :

3. To regulate the police of said village, and to Delinquen-

cies in
watchmen.

Hackmen.

Animals
running at
large, &c.

punish the delinquencies of any watchman appointed therein; to license and regulate cartmen, truckmen, porters, drivers of hackney carriages of every description, and baggage and other wagons used for hire, and to limit their charges and compensation; to establish, maintain and regulate public pounds; to restrain and regulate the running at large of cattle, horses, swine, sheep, goats, geese and ducks, and authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceedings; to prevent the running at large of dogs; to authorize their destruction when at large contrary to ordinances; to prevent and regulate the ringing of bells, blowing of horns, bugles, and the crying of goods; to regulate, restrain and punish all runners or solicitors for boats, stages, railroads, public houses and other establishments; to regulate and establish the quality and weight of loaves of bread exposed for sale, and to provide for the seizure or forfeiture of bread exposed for sale in violation of such ordinances; to establish, make, maintain and regulate public pumps, wells, cisterns, reservoirs, and to prevent the unnecessary waste of water; to regulate the place and manner of selling pickled and other fish; to prevent and abate all nuisances, and to punish the authors and maintainers thereof.

§ 3. This act shall take effect immediately.

Chap. 68.

AN ACT relating to the special county judge of Chautauque county.

Passed March 26, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The special county judge of the county of Chautauque shall, in addition to any powers heretofore conferred by law, have and possess the power, and

perform all the duties of the county judge of said county, in case of vacancy in the office of county judge of said county, or inability of said county judge to perform the duties of his office; and any proceeding commenced before said special county judge, may be finished by him, or he may, by order, direct the same to be finished before the said county judge, and any act done by said special judge, in or out of court, shall be presumed to have been done in the cases provided for in this section, and in those cases provided for in the act making provision for the election of such special judge, and the amendments thereto, until the contrary is shown.

§ 2. This act shall take effect immediately.

Chap. 69.

AN ACT to amend and consolidate the several acts relative to the village of Potsdam.

Passed March 26, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The territory in the town of Potsdam, in the county of St. Lawrence, contained within the following limits, that is to say: Beginning on the easterly bank or shore of Racket river, at the northwest corner of the "Pond farm," now owned by Isaac Mathews and running thence north sixty-one degrees thirty minutes, east along the northerly bounds of said "Pond farm" to the middle of the Parishville turnpike; thence northward on a straight line to the southwest corner of William Carpenter's pasture lot; thence northwardly along the west bounds of the said pasture lot and the same course continued to the middle of the Stockholm road; thence northwesterly on a straight line to a point in the middle of the Chandler road where it intersects the Union road; thence following the middle of said Chandler road in a northwesterly direction to the northerly bounds of

Limits.

mile square lot number forty-eight; thence south, sixty-one degrees thirty minutes west along the mile line to the easterly bank or shore of said river; thence on a straight line to the southeast corner of lot number seventeen, owned by George Lamphear, on the west side of the river; thence south, sixty-one degrees thirty minutes west, along the southerly bounds of said Lamphear's land, to the easterly bounds of the Madrid road, thence southerly following the easterly bounds of said Madrid road to where the same intersects the road known as the Parishville turnpike; thence across said turnpike on a straight line to a point in the easterly bounds of the Pierrepont road, where said road intersects said turnpike; thence southerly along the easterly bounds of said Pierrepont road, to a point in the southerly bounds of the Mill estate, being opposite the intersection of what is known as the Brush road, with the said Pierrepont road; thence easterly following the southerly bounds of the Mill estate, as laid down on the proprietors' map, to a point on the easterly bank or shore of said river; thence up along said bank or shore to the place of beginning, shall be known and distinguished by the name of the village of Potsdam.

Body corporate.

§ 2. The freeholders and inhabitants residing, or who may hereafter reside within the limits aforesaid, are hereby constituted a body corporate by the name of "The trustees of the village of Potsdam," and as such shall have perpetual succession, and may sue and be sued in any court by that name, may take and hold by gift, grant or devise, any real or personal estate for the use of said village; may make and use a common seal, and alter the same, and may exercise such powers as are, or shall be conferred by law or this act, or as shall be necessary to carry such powers into effect.

Seal.

Officers.

§ 3. The officers of said village shall be five trustees, three assessors, one treasurer, one clerk, one constable, one collector, one street commissioner, one pound master, one fire engineer and as many fire wardens as the trustees shall from time to time appoint. The trustees, assessors and treasurer shall be elected by ballot at the annual meeting in said village, by the inhabitants thereof qualified to vote for town officers; shall be residents and freeholders of said village, and shall hold their respective

offices until the next annual meeting thereafter and until their successors are duly qualified; all the other officers above named shall be appointed by the trustees and shall hold their respective offices during their pleasure.

§ 4. The annual meeting of said village shall be held in such public place in said village as the trustees may designate, on the first Tuesday of March, in each year; the trustees, or any one or more of them, shall preside thereat, determine the qualifications of voters, receive and count the votes, declare the result in open meeting, and have the same power to preserve order and administer oaths as inspectors of elections. The polls shall be kept open from one o'clock, P. M., until four o'clock, P. M., and a plurality of votes shall elect; if two or more shall have the greatest and an equal number of votes, the presiding officers shall determine by lot which shall be the one elected.

Annual
meeting.

§ 5. It shall be the duty of the clerk, immediately after any election or appointment of officers in said village, to give notice thereof to said officers elected or appointed; and any officer so elected or appointed, who shall neglect or refuse to file his written acceptance of such office, with the clerk of said village, and to comply fully with the requirements of this act, within ten days after personal notice of such election or appointment and of his liability under this section, shall forfeit the sum of five dollars, to be sued for and collected by the trustees in an action in the corporate name.

Duty of
clerk.

§ 6. The said village, with the exception of the bridges across Racket river, which shall remain under the care and superintendence of the commissioners of highways of said town, and the territory comprised within the village, shall be exempt from the superintendence and jurisdiction of the commissioners of highways of the town of Potsdam; and the trustees of the said corporation shall, concerning such territory and the persons owning or occupying land therein, and the inhabitants residing therein, have all the powers and be subject to all the duties and liabilities of commissioners and overseers of highways in like cases, except as herein otherwise provided; and they may in their discretion appoint (with the power to revoke such appointment) one of their number, or any other competent person, street commissioner,

Highways.

Highway
tax.

whose special duty it shall be, subject to the control of said trustees, to superintend the construction and repair of the roads, sidewalks, crosswalks, and public squares, and who shall receive for his services such sum as a majority of the trustees may deem proper, not exceeding thirty dollars per annum, to be paid out of moneys arising out of highway taxes. And instead of highway labor, the trustees shall cause to be assessed, levied and collected, by tax upon the inhabitants and property in said village annually, such an amount denominated highway tax, as they shall deem necessary, not exceeding the sums herein specified, which highway tax shall be assessed as follows: Each male inhabitant of twenty-one years of age and upwards shall be assessed fifty cents, and there shall be assessed among and upon all persons or corporations owning, holding or occupying real and personal property, and upon the lands of non-resident banks, and upon all banking associations, individual bankers, and incorporated companies in said village, a sum not exceeding twenty cents on each hundred dollars of assessed valuation, which money shall be expended upon the streets, highways, sidewalks, crossings, and public squares in said village, under the direction of the trustees; and the trustees, in making the said assessment for highway labor, shall take the valuation of the last assessment roll made by the assessors of said village.

Money may
be raised by
tax.

§ 7. The legal voters of said village, at their annual meeting, may also vote to raise by tax, for any village purpose hereinafter enumerated, a sum not exceeding, for all together, five hundred dollars in any one year, and the trustees shall thereupon cause the same to be raised by a general tax upon the taxable property liable to be assessed for taxes in said village, as the same appears upon the assessment roll made by the village assessors.

President.

§ 8. The trustees shall appoint one of their number to be their president, and designate any other trustee to preside at their meetings in his absence. The trustees shall have power:

Real estate.

1. To purchase, hold, convey and lease any real estate, when authorized by vote or resolution at any regular meeting of the inhabitants of said village.

Sidewalks.

2. To make and repair sidewalks, crosswalks, wells, reservoirs for water, sewers and ditches in the public

streets of said village, and to plant and protect trees therein, at their discretion, and may also, at their discretion, repair any roads leading into said village from any direction, not exceeding one mile from the limits of said village.

3. To appoint one constable, who shall possess all the powers within the village now possessed, and be liable to the same penalties and duties now imposed upon the constables of the said town; and to fill any vacancy that may occur in any of the offices of the village. Constable.

4. To suspend the treasurer or require him to furnish additional securities, when in their judgment the interest of said corporation shall require it; and in case of his suspension, to appoint a successor, who shall serve out the remainder of the term. Treasurer.

5. To pass such prudential rules and regulations as they may deem necessary, and to alter, modify and repeal the same, relating to nuisances generally within the bounds of the corporation. Rules and regulations.

6. To fix the compensation of the assessors, who shall in no case receive more than the amount paid to assessors of towns for the same services. Assessors.

7. To compel every male resident of said village, of the age of sixteen years and upwards, or any spectator attending any fire in said village, to assist in extinguishing the same when required by the fire warden or trustee, or any officer of any fire company or hook and ladder company in said village. Fire.

8. To compel all persons in said village to keep their ashes safely. Ashes.

9. To prevent, regulate or prohibit the exhibition for money of any show, theater, caravan, circus, exhibition, or anything of that kind whatsoever, within the bounds of said corporation, and if they shall deem it advisable, to license the same on payment into the village treasury of not more than thirty dollars, for the exhibition of the same for not more than twenty-four hours. Exhibitions, &c.

10. To make and publish by-laws, rules and regulations, and alter, modify and repeal the same, relating to draining, filling up the highways, roads, streets and alleys, and keeping the same free from obstructions, impediments and nuisances; to prevent the discharge of fire-arms of all kinds, and the using of fire-works of By-laws, &c.

every description in said village; to restrain fowls, swine, horses, sheep, goats, dogs and cattle from running at large; to prevent immoderate riding or driving in the said village; to establish and maintain a common pound; to prevent the dangerous construction and condition of fireplaces, chimneys, stoves and stove pipes; to organize fire companies, hose companies and hook and ladder companies, and provide engines and all the apparatus usual and necessary for extinguishing fires; to construct walks across the streets in said village, and keep them in repair; to flag, pave, improve and protect sidewalk walks on the said streets.

Firemen.

11. To appoint, by writing, under the seal of the corporation, sixteen or more firemen to every engine at any time possessed by the village, who shall hold their places during the pleasure of the trustees, and be exempt from service in the militia, except in case of war, invasion or insurrection, and upon juries, and from a poll tax. The trustees shall prescribe the time and mode of the exercise of the fire, hose, and hook and ladder companies, and establish rules for their regulation, and enforce obedience to them by penalties; make new appointments of firemen and all officers, whenever vacancies occur, and disband all or any of such companies.

Public grounds.

12. To purchase and hold the necessary ground, and erect or hire suitable engine houses; to procure the necessary ground, and erect or hire a pound for the use of the said village, and keep the same in repair; to purchase and hold the necessary grounds, and form and keep in order a public cemetery; to make the necessary advances for making and repairing sidewalks and other improvements authorized by this act, when those required to make the same shall neglect or refuse to do so; to light the streets of said village, or any of them; to keep and maintain a watch by night; to prosecute and defend suits in which said village shall be a party or shall be interested; to procure the blanks, blank books, stationery and printing necessary for the said village; to pay any legal claim against said village; to provide for the care, custody and preservation of the public property, records and papers of said village, and to insure the same.

Special meetings.

13. To call special meetings of the inhabitants of said village, which meetings shall be called and conducted in

the same manner as annual meetings, and a call for a special meeting shall at any time be made by the trustees upon the written application of fifty of the qualified voters, inhabitants of said village, stating the objects and purposes of the proposed meeting, and the action of such meeting shall be confined to the objects specified in said application.

14. To audit accounts and claims against the said village, and to remit penalties; to fix the amount and decide upon the sufficiency of all official bonds given by any village officers; to fix the compensation of the assessors, treasurer, clerk and collector; to issue warrants for the collection of taxes in said village, and for the collection of the expenses of making, repairing or improving sidewalks or other improvements, of the proper persons, which shall be returnable in sixty days from the time of issuing the same, and to renew the same when necessary.

Accounts.

15. To enter or authorize to enter any building in said village in which there shall be a fireplace, stove or stove pipe, examine and regulate the same so as to make it secure against fire; to prevent the encumbering of the sidewalks, streets or crosswalks of said village with any substance or material whatever, and riding and driving on said sidewalks except to cross the same.

Buildings may be entered.

16. To compel persons to remove snow, dirt, rubbish, or any substance opposite and next to the lots owned or occupied by them; to compel persons to remove dead animals, stagnant water, filth, and any unwholesome substance from premises owned or occupied by them; to prohibit flying kites, rolling hoops, playing ball and practicing other sports in the streets of said village, or any of them; to prohibit or regulate the firing of guns, pistols, crackers, rockets and squibs, the throwing or playing with fireballs or any other fireworks, and the building of fires in any of the public streets or places of said village.

Cleaning of streets, flying of kites, &c.

17. To prohibit horse-racing, immoderate riding or driving, the exhibition or parade of any stallion, the use of profane and obscene language, and the making of any improper noise in the streets or public places of the said village.

Horse-racing.

18. To prohibit any person from bringing, depositing

Nuisances.

or having, within the limits of said village, any dead carcass or other unwholesome substance; to abate any nuisance therein injurious to the public health or public safety; to locate all slaughter-houses and places where animals may be slaughtered, and prevent the slaughtering thereof elsewhere in said village; to prohibit and regulate the storing and safe keeping of gunpowder and other combustible and explosive substances.

Shade trees,
&c.

19. To prevent the injury or destruction of shade trees or their fixtures, or the public fences and property situate in said village; to regulate the places, distances, spaces, and manner of planting shade trees along the streets and sidewalks in said village, and to compel the owners or occupants of lots to plant and protect the same along the said streets and sidewalks opposite and next to said lots; to direct the manner and material of making, grading, pitching, paving and repairing sidewalks and crosswalks in the streets of said village, and to compel the owners or occupants of lots to keep in repair and repair sidewalks adjacent thereto.

Bathing.

20. To prohibit or to regulate and determine the time and places of bathing and swimming in any of the waters and streams in the said village; to prevent, suppress and restrain any riot, noise, disturbance, disorderly assemblages, disorderly houses and houses of ill-fame, drunkenness and disorderly conduct in public streets and places; to restrain and punish vagrants, mendicants, street beggars, common prostitutes and disorderly persons, and every description of gambling.

Ringling of
bells, blowing
of horns
&c.

21. To regulate or prevent the ringling of bells, blowing of horns, and crying of goods, wares and merchandise or other commodity, or hawking or peddling in any of the streets of said village; and to lay out and open new public streets and lanes of any width, with the consent of and release of the owners of the lands through which the same pass.

Auctions.

22. To regulate, prevent and prohibit the sales at auction in said village of goods belonging to persons not residents of the town of Potsdam, without a license therefor first obtained from the trustees of said village; to grant, upon payment of not more than thirty dollars, licenses for such sales, and in addition, to require the owners of or the auctioneer selling such goods, to pay

over to the treasurer of said village a sum not exceeding five per cent on the amount of such sales, and to require as a condition to the granting of such license a deposit of money or satisfactory security for the payment of such sum, and take all means necessary to secure an accurate account of such sales.

23. To make and publish such by-laws, rules and regulations, and alter, modify and repeal the same as they shall deem proper and necessary to carry into effect the foregoing powers and the provisions of this act and other laws applicable to said village, and to prescribe penalties not exceeding twenty-five dollars for each violation of any such by-law, rule or regulation, to be recovered in an action before any justice of the peace of the town of Potsdam, in the corporate name of said village, and to remit, for good cause shown, any such penalty, or any portion of the same. By-laws, &c

§ 9. No inhabitant of said village shall, for that cause, be disqualified as justice, juror or witness, on the trial of any suit brought by virtue of this act. In all such suits the pleading shall be general, and either party may give this act or any proper or special matter in evidence. All penalties shall be paid to the treasurer for the benefit of the village. Inhabitants
not disqualified.

§ 10. It shall be the duty of the assessors of said corporation, within thirty days after each annual meeting, to make and deliver to the trustees an assessment roll of all the property, real and personal, within the limits of the said corporation, in the same form as the assessment rolls of towns, and they shall proceed in the same manner as the assessors of towns are required by law to do, except that they shall give only ten days' notice of the time and place when and where they shall meet for the correction of the said assessment. Assessment
roll.

§ 11. The trustees shall, within thirty days after the annual assessment roll shall be delivered to them, estimate and set down in the roll, or a copy thereof, opposite the several sums set down as valuations of real and personal estates, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid as a tax thereon, and shall also estimate and assess on the same or another copy, the highway tax. They shall deliver a copy to the collector, with a warrant under their hands, This

directing him to collect the tax within such time as they shall specify, and pay it to the treasurer. The trustees may extend the time for collection and payment, from time to time, if necessary.

President.

§ 12. The trustees shall elect one of their number to be their president, and designate any other trustee to preside at their meetings in his absence. They may appoint a clerk, treasurer, collector, constable and pound master, who shall hold their offices for one year, unless sooner removed by the trustees, and shall give such security for the faithful performance of the duties of their offices as the trustees may require. The clerk shall keep all the records and papers belonging to the said village. The collector, constable and pound master shall have the same power, duties, privileges, and be subject to the same liabilities, as similar officers in the towns of this state, except as herein otherwise provided; but the constable shall have no authority to serve or execute any civil process out of said village, except it be in favor of said village, or against an inhabitant thereof, or other persons fleeing from it. The collector shall be entitled for his services to such sum as the by-laws of such village prescribe, not to exceed five per cent upon all moneys by him collected, and may collect the same in addition to the sum specified in his warrant.

Treasurer's account.

§ 13. At every annual meeting, the treasurer shall exhibit an account of all the receipts and expenditures of the preceding year, which account shall be filed in the office of the clerk.

Justice of peace.

§ 14. Any justice of the peace of the town of Potsdam shall have jurisdiction of any action for penalty or other cause for action arising out of any act affecting said village, or any by-law or ordinance of the said corporation, enacted by virtue thereof.

Privileges.

§ 15. The said corporation shall possess the privileges and be subject to the restrictions contained in part one, title three, chapter eighteen of the Revised Statutes, so far as they are applicable to such corporations.

Side and crosswalks.

§ 16. The trustees may construct walks across any of the streets and sidewalks, upon one or both sides of any street in said village; but before they do construct any new sidewalk, the consent in writing to the such construction, or a majority of persons liable to be assessed

therefor, shall be obtained and filed in the office of the clerk. The trustees shall not be required to make it, but may exercise their own discretion. The trustees shall prescribe the materials to be used and the mode of construction. Every person liable to be assessed for any sidewalk, shall be permitted to construct it front of his own land; but if the walks be not done in the manner and within the time specified by the trustees, they may cause it to be done, and include the expense in the assessment. The trustees shall make the assessment for every such improvement. The mode of assessment and collection shall be the same as in the case of village taxes. All assessments upon real estate, whether for such improvements or for such taxes, shall be assessments against the owner and occupant, and may be collected of either; and if paid by the tenant or occupant, may be recovered with interest of the owner by suit, as for money paid at his request.

§ 17. Cattle and beasts of all kinds, fowls and dogs, belonging to an inhabitant of the village, may be impounded, if found running at large, contrary to a by-law of the village, and sold, if the owner shall refuse to pay the fees of the pound master, after personal notice of the impounding, and the amount of fees. In addition to the personal notice to the owner, the pound master shall put up notice in writing, for six days, of the time and place of sale, at the pound, and in three other public places, describing the animals to be sold, and giving the name of the owner. The fees may be paid and a sale prevented at any time before the day of sale. In case of sale, the pound master shall pay the overplus, after deducting his fees and charges, to the treasurer, for the benefit of the owner, if claimed within three months; if not, for the benefit of the village. Cattle and beasts belonging to non-residents of the village, if known, and to unknown owners, shall be treated as strays. All penalties to prevent cattle and beasts from running at large in said village shall be enforced and collected by suit, and not by impounding and sale.

Cattle, &c.,
running at
large.

§ 18. All fines, forfeitures and penalties, and all moneys received for licenses under this act, shall be paid to the treasurer of said village, and may be appropriated by said trustees to any purpose consistent with this act.

Penalties.

Fire engi-
neer.

§ 19. The fire engineer shall have, under the direction of the trustees, the general superintendence and custody of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other apparatus and conveniences for the prevention and extinguishment of fires; it shall be his duty to see that the same are kept in proper order; to call out and exercise the fire, hose, hook and ladder companies of said village, with their apparatus, at least once in three months; to be present at all fires of buildings, and take command of all the companies and apparatus for extinguishing such fires, and compel all spectators and others to assist in extinguishing the same if he deem it necessary; and the trustees shall themselves be fire wardens by virtue of their offices.

Clerk to
give notice.

§ 20. It shall be the duty of the village clerk to give at least three days' notice of the time and place of all annual and special meetings of the inhabitants of said village, by publishing the same in a newspaper printed in said village, if practicable, or by posting written or printed notices in five public places in said village.

§ 21. Sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-six, sixty-two, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-four, seventy-five, seventy-six and seventy-eight, of the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven (chapter four hundred and twenty-six of the Session Laws of eighteen hundred and forty-seven), are hereby incorporated into and constituted a part of this act, and made a part of the laws of said village.

Repeal.

§ 22. All former acts and parts of acts relative to the incorporation of the village of Potsdam, are hereby repealed; but such repeal shall not affect any act done, privilege granted, right secured, or any suit, proceeding or prosecution had or commenced, previous to the time when such repeal shall take effect; all by-laws, ordinances or regulations now in force in said village, and not inconsistent with this act, shall continue in force, until the same shall be altered, modified or repealed by the

trustees, under and by virtue of this act, which the trustees shall have power to do ; and all the officers of said village in office when this act takes effect, shall continue in office until others are elected or appointed and qualified under the provisions of this act.

§ 23. All actions brought to recover any fine, penalty or forfeiture under this act, or the ordinances, by-laws, rules, regulations or resolutions made in pursuance of it, shall be brought by the president of the board of trustees, for the time being, in the corporate name. The first process to commence any such action before a justice of the peace, may be either by summons or warrant, returnable in the same time and manner as is provided for by law, in justices' courts in other civil cases, and execution may issue immediately on the rendition of any judgment therein. If the defendant in such action has no goods or chattels whereof the judgment can be collected, the execution shall require the body of the defendant to be taken by the constable and imprisoned in the jail of St. Lawrence county, for a term of not exceeding thirty days.

Actions,
how
brought.

§ 24. This act shall take effect immediately.

Chap. 70.

AN ACT to revise and amend an act entitled "An act to incorporate the village of Canton," passed May thirteenth, one thousand eight hundred and forty-five, and the several acts amendatory thereof.

Passed March 28, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that part of the town of Canton, in the county of St. Lawrence, comprised within the present jail limits, excepting thereout the bridge in said village across the Grass river, and also adjoining the southerly bounds of said jail limits, all that parcel of land, being a

Bounds-
ries.

parallelogram, ten chains in width, and in length equal with said southerly bounds of said jail limits; and also all that other parcel of land adjoining the northerly bounds of said jail limits, being a parallelogram ten chains in width, and in length equal with the said northerly bounds of said jail limits; and also all that other parcel of land adjoining the westerly bounds of said jail limits, ten chains in width, extending a parallelogram to the width of said jail limits, and also to the northerly and southerly lines above described, extended to form a right angle; and also all that certain other parcel of land adjoining the easterly bounds of said jail limits, ten chains in width, extending a parallelogram to the width of said jail limits, and also to the northerly and southerly lines above described, extended to form a right angle; shall hereafter continue to be known as the village of Canton, and the freeholders and inhabitants now residing within the said limits, or who shall hereafter reside within the same, are hereby constituted a body corporate by the name of "The trustees of the village of Canton," and as such shall have a perpetual succession, and may sue and be sued in any court by that name, may take and hold by gift, grant or devise, any real or personal estate for the use of said village; may make and use a common seal and alter the same, and may exercise such powers as are or shall be conferred by law or this act, or as shall be necessary to carry such powers into effect.

Officers.

SECTION 2. The officers of said village shall be five trustees, one of whom shall be president of said village; three assessors, one treasurer, one clerk, one constable, one collector, one justice of the peace, with powers hereinafter mentioned; one street commissioner, one pound master, one chief engineer and an assistant engineer of the fire department in said village, and as many fire wardens as the trustees shall from time to time appoint. The trustees, assessors, justice of the peace, treasurer, clerk, collector and constable, shall be elected by ballot at the annual meeting in said village for the election of officers, and shall hold their respective offices until the next annual meeting for the election of village officers, and until their successors are duly qualified, except as to the justice of the peace, hereinbefore provided. The street commissioner, pound master, the chief engineer

and assistant engineer, and fire wardens, shall be appointed by the trustees, and shall hold their respective offices during their pleasure. The said justice of the peace shall have all the powers of justices of the peace elected by towns at town meetings, in relation to crimes and misdemeanors, and to oaths and acknowledgments, and also in civil actions, in which all the parties shall be residents or inhabitants of said village, and shall hold such office for the term of four years from the first day of January next after his election. The clerk of said village shall file a certificate in the clerk's office of the county of St. Lawrence, certifying every election of such justice. Vacancies in such office shall be filled in the same manner as by towns.

SECTION 3. The annual meeting for the election of the officers of said village, shall be held on the first Tuesday of April in each year. At least ten days' notice of such annual, or any special meeting or election shall be given by the clerk, by posting written or printed notices thereof in five of the most public places in said village. At such annual meeting, and at any special meeting or election, the trustees, or any one or more of them, shall preside; and all laws of this state in relation to the election of town officers, and notifying them of their election, shall apply to any election of officers of said village, held pursuant to the provisions of this act, so far as the same can be so applied, and are consistent with the provisions of this act. Every such election or meeting shall be held at some public place in said village, to be designated by the clerk in the notice required to be given by the provisions of this act. The polls shall be kept open from one o'clock P. M. until four o'clock P. M.; and the time of opening and closing the polls shall be specified in the notice of such meeting. The trustees shall meet within ten days after they have been chosen, and elect one of their number as president, and organize for the transaction of business, and shall have power to adjourn from time to time, and call special meetings of their board.

Annual
meeting.

SECTION 4. The trustee or trustees presiding at any such election, shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person

Trustees to
canvass
votes.

voted for, and the office for which he shall have been voted for, which certificates shall be recorded in the book of records of said village.

Electors.

SECTION 5. At any such election, any person qualified to vote for town officers in the town of Canton, and who are then residents of said village, may vote for all the officers to be chosen, and shall be eligible to any of the offices named in this act. The persons eligible and having the greatest number of votes, shall be declared elected; and if two or more shall have the greatest number, and an equal number of votes, the officers presiding at the election shall forthwith determine by lot which shall be deemed elected; in such case the facts shall be set forth in the certificate of the result made by such officers.

Oath of office to be filed.

SECTION 6. Every officer elected in said village, pursuant to the provisions of this act, and every officer appointed to fill a vacancy as hereinafter provided, shall, within five days after he shall be notified of his election or appointment, take and subscribe the oath of office prescribed by the constitution, before any justice of the peace of the town of Canton, and file the same with the village clerk, and in case of his omission to file the same within the time aforesaid he shall be deemed to have refused to serve, and for such omission and refusal he shall forfeit and pay ten dollars for the use of said village.

Vacancy.

SECTION 7. Whenever the office of more than two trustees shall be vacant, the remaining trustee or trustees shall give notice of a special election to fill the vacancy or vacancies. The same notice shall be given, and the election shall be conducted in the same manner as herein provided with regard to an annual election.

Road district.

SECTION 8. The said village shall be a road district, exempt from the superintendence of the commissioners of highways of the town of Canton, with the exception of the bridge across the Grass river, which shall remain under the superintendence of the commissioners of highways of the said town, and the trustees of said village shall be commissioners of highways for said village and shall have the same powers and be subject to the same duties over the roads, streets and alleys and the bridges therein, except the bridge across Grass river, as commissioners of highways of towns, together with their special and other powers and duties prescribed by this act. And

the trustees shall cause to be assessed, levied and collected, by tax upon the inhabitants and taxable property in said village, annually, such an amount, denominated highway tax, as they shall deem necessary, not exceeding the sums hereinafter specified, which highway tax shall be assessed as follows:

Each male inhabitant of twenty-one years of age and upwards (except ministers of the gospel and priests of every denomination, paupers, idiots and lunatics), shall be assessed fifty cents, and the balance shall be assessed among and upon all persons owning property and estate, real and personal, and upon lands of non-residents and incorporated companies in said village not exceeding twenty cents on each hundred dollars of valuation upon the last corrected assessment roll of said village, which money shall be expended upon the streets and highways in said village, under the direction of the trustees. And the taxable inhabitants of said village, at their annual meeting in one thousand eight hundred and fifty nine, or at any special meeting duly called for that purpose, according to the provisions of this act, may, by the votes of a majority of the legal voters at such annual election or special meeting, authorize the said trustees to levy and collect from the taxable inhabitants and property in said village, money not exceeding the sum of five hundred dollars, in the year one thousand eight hundred and fifty-nine, in addition to any and all other sums of money directed to be assessed, levied and collected in the year one thousand eight hundred and fifty-nine, by virtue of this act, to be applied exclusively for the improvement of streets and sewers in said village.

Highway
tax.

After the year one thousand eight hundred and fifty-nine, whenever, in the opinion of the board of trustees, it will require a larger sum of money than the tax herein denominated the highway tax, to improve, repair and put in a proper condition the streets, sewers and sluices in said village, they may raise by tax upon the taxable inhabitants and property of said village, such further sums as may be required for such purposes, not exceeding five hundred dollars in any one year. But no such tax shall be assessed or levied, nor shall any warrant issue unless a vote shall have first been taken at the annual meeting or at a special meeting, duly called and conducted, as pro-

General tax

vided in the third and fourth sections of this act, and such vote shall have resulted in favor of such tax by a majority of the qualified voters voting in favor thereof, as provided in the tenth section, and have property taxed as mentioned in said tenth section.

General tax.

SECTION 9. The trustees may cause to be raised by a general tax upon the taxable inhabitants and taxable property liable to be assessed for taxes in said village, for the following purposes, and no other, viz.: For procuring a fire engine, and the necessary apparatus therefor, and implements for a hook and ladder company. For procuring the necessary ground, and erecting a suitable engine-house for said engine and its apparatus, or for hiring suitable places to keep them and for keeping such implements. For procuring the necessary grounds, and erecting a pound for the use of said village, and keeping the same in repair. For necessary advances in making and repairing sidewalks, when those required to make the same shall neglect or refuse to do so. For repairing and constructing crosswalks. For prosecuting or defending suits in which said village shall be a party or shall be interested. For providing the necessary blank books for records and accounts of said village, and for such blanks, stationery and printing as may be necessary for village purposes. For surveying and settling the bounds of said village. For paying village officers, when allowed a compensation for their services. For publishing this act, and the by-laws, ordinances, and notices for elections and meetings, and statements of accounts and claims allowed by the trustees, and all laws relative to said village. For any other specific purpose for which the village shall be expressly authorized by law to raise a tax in such manner. The taxes so provided for in this section, to be levied and collected by the trustees by their warrant shall be charged and collected in the same manner as the taxes voted by the electors at an annual or special meeting for street purposes, but shall not exceed the sum of two thousand dollars in any one year.

Tax to be
determined
by vote.

SECTION 10. Before any tax for the purposes mentioned in the last section shall be levied, the electors entitled to vote to raise taxes in said village, shall, by a vote at a meeting duly notified, held and conducted as prescribed in the third section of this act, and in the manner follow-

ing, viz.: The vote shall be taken thereon by ballot, which ballot shall have written or printed thereon the words, "for the tax," or "against the tax," and a majority of all the legal votes given shall be for the tax to authorize the trustees to issue their warrant for the collection of such tax; and nothing in this act contained shall be so construed as to authorize the assessment and collection of such tax, without the assent of a majority of the taxable electors voting as herein provided.

SECTION 11. No tax shall be voted to be raised at any meeting in said village, unless the notice of holding such meeting required by this act to be given shall specify the amount and object of such tax, and the specific sum required or proposed to be raised for such object, and shall state that such meeting will be called upon to vote in respect to the raising of the sum or sums so specified.

Object of
tax to be
specified.

SECTION 12. Every sum specified in any such notice, and proposed to be raised by tax for any specific object, may be reduced, but shall not be increased before the final vote in respect to directing the same to be so raised.

Sum may
be reduced.

SECTION 13. No person shall vote at any meeting upon the question of raising any tax, unless he shall be qualified to vote for village officers in said village, and shall own property liable to be assessed for taxes therein, and shall have paid a tax thereon.

Who may
vote.

SECTION 14. All taxes voted to be raised in said village shall be assessed and collected in conformity, so far as practicable, and when not otherwise provided for in this act, with the provisions of law in respect to the assessment and collection of taxes by town assessors and collectors.

Taxes, how
collected.

SECTION 15. Whenever money shall be raised by tax in said village, for any specific purpose, it shall not be applied to any other purpose without the same majority vote of the taxable inhabitants, directing such application, which is by this act required to authorize the raising thereof.

How ap-
plied.

SECTION 16. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them at a regular meeting; and whenever any such account or claim shall be so audited by them, or a majority of them, the trustees auditing the same shall indorse thereon, or

Claims.

annex thereto, a certificate, subscribed by them, of such auditing, and of allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed shall be specified, and shall be entered in the record by the clerk, and the amount certified by him to be allowed at such meeting of the trustees.

How paid.

SECTION 17. No such account or claim shall be paid except by the treasurer, on the warrant of the trustees indorsed or annexed to the account or claim from which it shall be drawn, and specifying the fund from which such account or claim is payable, and it shall be paid out of no other, nor shall the treasurer pay any warrant drawn by the trustees from any fund from which he shall know the amount or claim for which the same shall be drawn, or any part thereof, is not payable.

To be filed.

SECTION 18. Whenever any such account or claim shall be paid, it shall, together with the certificate of the trustees auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the treasurer's office.

Assessment.

SECTION 19. Any person owning or occupying any land in said village, and any corporation in possession of any land in said village, and all lands owned by any non-resident of said village, of which there is no occupant, and any person or corporation being the owner or possessor of any personal estate in his or her or their own right, or as executor, administrator, trustee or guardian for another, and every male inhabitant above the age of twenty-one years, except as excepted and exempted in section eight of this act, residing in said village at the time the assessment is made, shall be assessed to raise the sum deemed necessary by the trustees to make the streets, bridges, sewers, ditches and sluices which shall be deemed necessary, and to repair and keep the same in repair in said village. If any person residing in said village shall be the owner or occupant of any lot, farm or piece of land, lying partly within and partly without the boundaries of said village, the whole lot, farm or piece of land so owned or occupied shall be subject and liable to assessment and taxation within said village.

Assessors.

SECTION 20. The assessors of said village are hereby invested with the same powers in respect to any money directed to be raised by tax as herein provided, as town assessors, including the power to administer oaths and to

correct valuations on application of persons interested; but the assessors must fix the time and places in said village, of meeting to hear applications to correct valuations, and give notice of such meeting by posting the same at least ten days prior to the time appointed for such meeting, in at least five public places in said village, where they shall meet and review the said assessment roll. They shall make an assessment of the taxable property of said village and make and deliver the assessment roll thereof to the village clerk, and a duplicate copy of the same to the village treasurer, within forty days after the annual meeting in each year, including the ten days named to give notice of the correction of valuations by the assessors, and five days allowed to persons aggrieved to appeal to the trustees and for a rehearing, and three days allowed the trustees to hear such grievances and to determine the same.

SECTION 21. Any person who shall consider himself aggrieved by such assessment, may, within five days after the determination of the assessors, upon a review thereof, appeal from the assessors to the trustees, by giving the assessors at least one day's notice, in writing, of such appeal, and of the time and place of determining the same by the trustees, who shall hear the same, and do justice in the premises, and may modify and reduce the same as they shall deem proper, and shall certify such corrections to the assessors. Appeal.

SECTION 22. Upon the final completion of the assessment roll so corrected, the assessors shall deliver the same to the village clerk, and file a true copy thereof with the treasurer. The trustees shall thereupon sign and attach to said roll a warrant to the collector thereof, returnable in sixty days, for the collection of such tax, similar in form to tax warrants to town collectors, by the county supervisors board, and shall require of said collector similar duties, and such bond and sureties to the trustees as are prescribed by law for the collection of town and county taxes by town collectors. Assessment roll.

SECTION 23. Upon the delivery to him of any such roll and warrant, the collector shall deposit with the village clerk a copy of the warrant, with his receipt indorsed thereon, acknowledging the reception by him of the original roll and warrant, and thereupon shall proceed to receive and collect the taxes in said roll specified. To be deposited with village clerk.

Notices.

SECTION 24. He shall immediately post notices in five of the most public places in said village, designating some convenient place therein, where he shall attend each day for three days, to be specified in said notice, in three successive weeks, one day in each week, from ten o'clock in the forenoon to three o'clock in the afternoon, for the purpose of receiving the payment of taxes, and shall attend accordingly. Any person may pay his tax at the time and place so designated, on paying one per cent fees thereon. The collector shall not receive more than that rate for collecting any tax until the last day specified in such notice, and thereafter he shall proceed to collect the unpaid taxes in the manner required by law for collecting county taxes by town collectors, and shall have all the powers and authority conferred by law upon town collectors, and shall pay all moneys received or collected by him to the village treasurer, and take his receipt therefor. The collector shall make returns to the treasurer of the amount collected, and of the taxes remaining unpaid, and shall be credited in the same manner as town collectors are credited by county treasurers. Upon all taxes collected after the last day specified in said notice, he shall be entitled to collect and receive five per cent for his fees upon all sums collected by him.

Warrant
may be re-
newed.

SECTION 25. The trustees may renew from time to time, any warrant issued for the collection of any tax or assessment, returned uncollected, or issue a new warrant for the collection thereof. In such renewal or warrant, they shall specify the time when the same shall be returned, and the same proceedings shall be had thereon as upon the first warrant, after the last day for receiving taxes, pursuant to the notice heretofore specified.

Duty of lot
owners

SECTION 26. It shall be the duty of the owner or owners, occupant or occupants, of any lot or lots on any of the public streets in said village, to grade, construct, relay and keep in repair, all sidewalks opposite, and on the same side of the street with their respective lots, in such time and manner, and of such materials as the board of trustees may, by a by-law, resolution or ordinance for such purpose direct; and if any such owner or owners, or occupant shall refuse or neglect so to grade, construct,

relay or repair the sidewalk adjoining such lot or lots when so directed, then it shall be lawful for the trustees to cause the same to be so graded, constructed, relaid or repaired, by such persons as they may employ or appoint for, and on account of the owner or owners, or occupant as aforesaid, and such owner or owners or occupant shall be liable to pay the expenses of such grading, construction, relaying or repairing, and all sums so expended on such sidewalks, after being audited by the board of trustees, shall thenceforth be a tax to that amount upon every such lot.

Whenever the occupant or lessee of any real estate in said village shall have been required, as above provided, to grade, construct, relay or repair any sidewalk, he may recover the expenses thereof, of the owner of such lot or lots, of the amount thereof, against the claims for rent of the owners or owner of said premises. Lessee.

Whenever any sidewalks shall be required to be made or repaired, graded, constructed or relaid, upon or adjoining any unoccupied lot of land, all the owner or owners of which shall be non-residents of said village, or unknown, and such owner or owners shall neglect or refuse so to grade, construct, relay or repair, after notice of such requirement shall have been published in any newspaper, printed in said village, for four weeks successively, it shall be the duty of the trustees to grade, construct, relay or repair such sidewalks, for and on account of such owner or owners, the expenses of which, and of such publication, shall be a lien or charge upon such lot, to a sum not exceeding thirty dollars. Sidewalks.

SECTION 27. The expenses of making, repairing, or improving any such sidewalk, as specified in the sections of this act, opposite to and on the same side of the street with any lot, shall be a lien upon such lot, and if the owner be a resident of said village, the trustees shall serve a written notice upon him or upon the occupant, of the manner in which such sidewalks are required to be made, repaired or improved, and of the time, not less than thirty days, within which it may be done by such owner or occupant, at their own expense, under the superintendence of the trustees; or if a non-resident, notice having been published in any newspaper printed or published in said village, for four weeks successively, Expenses.

as provided in the twenty-sixth section of this act. If the owner or occupant shall not make such sidewalk, or repair or improve the same, as required by such notice, within the time and in the manner directed by the trustees as aforesaid, the trustees may cause the same to be done. They shall keep an account of the expenses thereof, which shall be a tax charge against such owner or occupant; they may borrow the necessary money to defray such expenses, to be repaid with interest from such tax when collected, and they shall issue their warrant to the collector for the collection of such tax, and the same shall be collected in the same manner as other village taxes; but the amount of such expenses, and the items thereof, shall be duly verified by the trustees and filed with the village clerk before they shall constitute a lien upon any such lot or before any such warrant shall issue. A copy of the notice required to be served by this section upon resident owners or occupants, or published in case of non-resident owners, with an affidavit stating the time of such service or publication, shall be filed within ten days of the time of such service or publication of such notice, with the clerk of said village. Every such warrant shall be returned, and may be renewed like other warrants for the collection of taxes in said village, and it shall set forth plainly by some brief description, the lot charged with the tax, assessment or expenses, the time, the resolution, ordinance or direction for the improvement was made, under which the expenses charged on such lot was made or incurred, the amount of such tax or assessment, and the street or part thereof, as near as may be, where such improvement was required to be made.

Collector.

SECTION 28. Whenever the collector of said village shall return on oath, that within the time specified for the return thereof, in any warrant for the collection of taxes, or the expenses of making any improvements hereinbefore authorized, he was unable to find, within such village, sufficient property out of which he could collect such tax or expenses specified in such warrant, the trustees may, in the corporate name of said village, prosecute the person liable to pay such tax or expenses in any court having cognizance of such case, recover the amount thereof remaining uncollected, with ten per

cent interest from the date of the warrant, and costs; or may sell for a term of years a lease of the said land, as hereinafter provided in the thirtieth section of this act.

SECTION 29. All taxes, assessments and expenses, as hereinbefore provided, levied by virtue of this act, shall be a lien upon the real estate upon which they shall be assessed, and whenever the collector shall, upon any warrant for the collection of any such taxes, assessments or expenses, return the same oath required to be made by town collectors of taxes, as to unpaid taxes, on returns and settlements with county treasurers, the trustees may cause such real estate, upon which such tax shall have been assessed and charged, or such expenses shall be a lien, or so much thereof, as hereinbefore provided, as may be necessary to pay such tax or taxes, and the necessary expenses and the interest thereon, including the costs of advertising and leasing the same, which costs shall not exceed five dollars, to the person who will, for the use of such real estate or some part thereof, for the shortest period, not exceeding ten years, pay the tax, expenses, interest and costs; and the president and clerk of said village shall execute to the purchasers of such leases of such property, leases for such terms, in the name of such corporation, and to authorize immediate possession of such premises.

Taxes, &c.,
to be a lien.

SECTION 30. The trustees shall give notice of such leasing by posting such notice in at least six of the most public places in said village, at least four weeks before leasing. Such notice shall specify the time and place of such leasing, a brief description of each lot to be leased, so that its locality can be easily ascertained, and it shall state the name of the person against whom such tax or assessments were assessed, and shall also publish, for at least four weeks, successively, in a weekly newspaper published in said village, a copy of each notice, proof of which publication shall be filed in the office of the clerk of said village.

Notice to be
given.

SECTION 31. Any lot or part of a lot which shall be so leased, may, at any time within one year of such leasing, be redeemed therefrom by any person on his paying to the lessee the amount bid by him on such leasing, with the interest thereon, at the rate of ten per cent per year, from the time of such leasing, or by paying the same to

Redemp-
tion.

the treasurer of said village for the use of such lessee; the possession of such lot to be delivered to such owner on the first day of May, thereafter; and if the purchaser has possession of the lot, the person so redeeming shall give such purchaser thirty days' notice, in writing, to surrender possession thereof.

Lease to be presumptive evidence.

SECTION 32. The lease executed by the trustees shall be presumptive evidence that all the proceedings which terminated in making such lease, from and including the voting of the tax or directing of the improvement, to and including such leasing, were legal, and shall entitle the purchaser of such lease to use and occupy the premises sold on such lease, for the term mentioned therein, for his own use and benefit, but without waste or unnecessary injury thereto, unless the owner shall redeem the same, as before mentioned in the last preceding section of this act.

Unpaid taxes to bear interest.

SECTION 33. All taxes and assessments or expenses authorized by this act, which shall remain unpaid for three months after the issuing of the warrant for the collection thereof, shall bear interest at the rate of ten per cent a year, and such interest may be collected with such taxes and assessments, at the times and in the manner provided above.

Duties and powers of trustees.

SECTION 34. Duties and powers of trustees:

1. To appoint one of their number to be president of such village, and also to appoint one of their number to preside at any meeting of such trustees, when the president shall be absent.

Roll list.

2. To appoint a suitable person to keep the poll list at any meeting of the electors of said village, when such poll list shall be required to be kept and the clerk shall not attend.

Vacancies.

3. To fill any vacancy in any office of said village, except that of trustees and justice of the peace.

Public property.

4. To provide for the care, custody and preservation of the public property, records and papers of said village.

Special meetings.

5. To call special meetings of the electors of said village, when in their judgment the interest of said village shall require it, or whenever at least twenty-five of the taxpayers of said village shall, in writing, request it; for determining upon the raising of any taxes authorized by this act, or the election of any officers to offices which

may be vacated by reason of death or resignation or removal.

6. To give notice, in manner prescribed by law, of the annual and special meetings, or such elections, or to cause the same to be done, and to preside at such meetings. Notice.

7. To present at every annual meeting a detailed statement, signed by them, showing when and from what sources all moneys paid into the treasury of the said village during the preceding year have been derived, and when, and to whom, and for what purpose all moneys paid from such treasury during the same period have been paid; how much of any sum raised in said village, during such year, for any specific purpose, or directed at the last annual meeting or at any special meeting, in such year, to be applied to any specific purpose, has been so applied, and how much thereof remains on hand; what sidewalks have been made and repaired, and other improvements made during such year, at the expense of the owners, and the amount of collections on account of such expense; the names of the owners of lots from whom any sums are due, on account of such expense, and the amount due from them, respectively; which statement shall be filed with the clerk. Statements.

8. To carry into effect any resolution adopted at any meeting of the electors of said village, duly convened, which such meeting shall have authority to adopt under the provisions of this act. Resolutions

9. To audit accounts and claims against such village, and to draw a warrant on the treasurer for the payment of any account or claim allowed by them. Accounts to be audited.

10. To audit any claim of the pound master for fees and compensation in respect to animals found going at large, and to hear and determine any application of the owner of any such animals for a remission of the penalty incurred by their so going at large. Pound master.

11. To fix upon the penalty, and decide upon the sufficiency of the sureties on the official bond of the treasurer and collector of said village. Treasurer's bond.

12. To fix the compensation of the treasurer, clerk and street commissioner, subject to the provisions of this act. Compensation of treasurer, &c.

13. To prescribe the manner, when not otherwise provided by law, in which the treasurer shall keep the accounts and vouchers, and the clerk shall keep the records. Accounts.

and papers of said village, and to examine such accounts and records from time to time.

Warrants.

14. To issue warrants for the collection of taxes assessed in said village, and for the collection of expenses of making, repairing, or improving sidewalks, or making any other improvements authorized by this act, of the owner or occupants of lots, who ought to pay the same, and on which such expenses shall be a lien, which shall be returnable in sixty days from the time of issuing the same, and to renew the same when necessary.

Ashes.

15. To compel all persons in said village to keep their ashes safely.

Side and crosswalks.

16. To direct and prescribe the manner of grading, making, pitching, paving and repairing sidewalks and crosswalks in said village, and to direct the manner of making all other improvements authorized by this act, all which prescriptions and duties shall be made only at a legal meeting of the trustees and duly recorded.

17. To perform all the duties imposed on them by this act, or by any other law of this state.

By-laws, penalties, &c.

18. To make such by-laws, not inconsistent with the laws of this state or the United States, or with this act, as they shall deem proper, to carry into effect the provisions of this act, and of other laws applicable to said village, and the powers vested in any officer thereof; and to prescribe penalties, not exceeding twenty-five dollars, for each violation of any such by-law, to be recovered in an action before any justice of the peace of the town of Canton, or the justice of the peace of said village, but no such by-law shall prescribe any penalty for any act which shall be prohibited, and for doing which a penalty shall be prescribed by the laws of this state, and no such by-law shall take effect until four days after copies thereof shall have been posted in five public places in said village, of which posting an affidavit shall be made and filed with the village clerk within six days after it shall take place, together with a copy of such by-law or by-laws, which affidavit shall also be recorded in the records of the village where the record of such by-law is entered.

Joint occupants.

SECTION 35. Whenever any real estate in said village is owned or occupied by more than one person, jointly, or as tenants in common, it shall be sufficient to serve

any notice or copy of any ordinance required to be served by this act, on one of such persons.

SECTION 36. The trustees shall have power, in their discretion, by by-laws or resolutions :

Powers of trustees.

1. To restrain cattle, horses, sheep, swine and geese from going at large in said village, under a penalty not exceeding five dollars, for any animal found so going at large, in violation of any by-laws of said village, which said animals so going at large, shall be liable to be distrained, impounded and sold, as provided in the act entitled "An act for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, and the owner, or the person having in his possession any such animal, shall be liable to such penalty, which may be sued and recovered with costs, in the corporate name, and for the use of said village.

To restrain cattle running at large

2. To prohibit the incumbering of the sidewalks of said village, with any material whatever, and riding or driving thereon, except crossing the same.

Incumbering of sidewalks.

3. To compel persons to remove snow, dirt, rubbish, or any other material or substance from the sidewalk, opposite to, and on the same side of the street, with the lots owned or occupied by them, within such reasonable time as the trustees by by-laws shall prescribe.

Ibid.

4. To compel persons to remove dead animals, and stagnant water from their premises.

Removal of dead animals.

5. To prevent incumbering or obstructing the streets or highways in said village, or any of them with logs, timber, lumber, wood, boxes, boards, or any other substance whatever, except that in cases of necessary building purposes, to be supervised by the trustees or street commissioner, for public convenience.

Obstruction of streets or highways.

6. To prevent horse racing and immoderate driving within said village.

Horse racing.

7. To prevent the injury or destruction of shade trees, planted along the streets and sidewalks in said village, or upon the public parks in said village.

Shade trees.

8. To prevent any noise, disturbance or riot, or disorderly assemblages, to suppress and restrain disorderly houses, and houses of ill-fame; to prevent and punish drunkenness and disorderly conduct, in any public streets and places, and to prohibit gambling of any description.

Disorderly conduct.

9. To designate and alter the name of the streets and alleys in said village.

Names of streets.

Fire department.

SECTION 37. The trustees are authorized and empowered to organize and establish a fire department, to consist of one engine and hose company, and one hook and ladder company, to appoint a captain to each company, and a sufficient number of members to each company, not exceeding forty to such engine and hose company, and twenty to such hook and ladder company. Every member of the fire company, shall, so long as he shall remain such member, be exempt from serving in the militia of this state, except in case of invasion or insurrection; and a certificate of such service in the fire department, authenticated by the signature of the president of the corporation, shall be legal evidence before all courts and officers of such exemption.

Trespass.

SECTION 38. Any person who shall wantonly or willfully commit any trespass, injury or nuisance upon any useful or ornamental improvement, any shade tree planted along any street, sidewalk or public park, or any building or erection in said village, shall be deemed guilty of a misdemeanor, which offense may be tried before a court of special sessions, and all the provisions of law relative to the arrest, trial and punishment of persons charged with misdemeanors triable in such court, shall be applicable to offenses in violation of this section.

Treasurer, compensation of.

SECTION 39. The treasurer of said village shall receive such compensation for his services as shall be fixed by the by-laws of said village, not exceeding the compensation allowed to county treasurers for similar services.

Of clerk.

SECTION 40. The clerk of said village shall receive such compensation for his services as shall be fixed by the by-laws, which shall not exceed the sum of one hundred dollars per annum, and shall perform all the duties imposed on him by the by-laws of said village. The books and papers in the office of said clerk, shall at all times, on demand, be produced for inspection to any taxable inhabitant of said village; and upon demand, and the tender of fees, at the rate of six cents per folio thereof, he shall make and furnish a certified copy or transcript of any papers or records filed with him as such clerk, and any such transcript of records or papers filed in his office, and certified by him, shall be evidence in any court to the same extent as if the originals were produced.

SECTION 41. The street commissioner shall receive such compensation for his services as shall be fixed by the by-laws of said village, not exceeding the sum of one hundred dollars per annum.

Street
commis-
sioner.

SECTION 42. Before the treasurer or collector of said village shall enter upon the duties of his office, he shall execute to said village by its corporate name, and deliver to the trustees thereof a bond, with sufficient sureties, to be approved by them, by a certificate of such approval signed by them and indorsed thereon, conditioned for the faithful performance of his official duties; and if he shall neglect to execute and deliver to the trustees such bond within three days after being notified by the president so to do, his office shall be vacant.

Bond.

SECTION 43. The president of the board of trustees shall have the general superintendence of all the corporate property of the village and custody of the fire engine, engine-house, hooks and ladders, cisterns, and all other conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order. It shall be his duty to preside at all fires of buildings, and take command of the fire company and the general control of the apparatus for extinguishing such fires, subject to other provisions of this act.

Duties of
president.

SECTION 44. All fines, forfeitures and penalties shall be paid to the treasurer, may be applied by the trustees to any purpose consistent with this act, of which a correct account shall be kept by the clerk on his records, and of the appropriations of such fines and penalties received and paid by warrant of the trustees.

Fines, &c.

SECTION 45. The original book of records of said village may be read in evidence in all courts and in all judicial proceedings as evidence of any thing therein contained and required to be recorded therein, as an exemplification or certified copy, under the hand of the clerk, of any part of such records, or of any paper, warrant, roll, or other thing required to be filed in his office, may be read in evidence, with the same effect as the original, in all courts and judicial proceedings in this state.

Records.

SECTION 46. In an action to recover a penalty for the violation of any provisions of this act, or of any by-law, ordinance or regulation of said village, it shall only be necessary to state in the complaint the section of this act,

Penalties,
how reco-
vered.

or the title and section of by-laws, regulation or ordinance, alleged to be violated, the general character of the offense or penal liability, and the amount of the penalty claimed, and any other fact may be given in evidence without being stated in the complaint, as in common law prosecutions in courts of record.

Compe-
tency.

SECTION 47. No person shall be an incompetent justice or juror in any action in which the said village is interested, by reason of his being an inhabitant of said village, or liable to taxation therein, unless he be personally a party in interest to the subject matter of such special proceeding or action, in which case, when he is personally interested, besides his general interest as a tax payer, his testimony shall not be given, except when the opposite party, or one of them, be admitted as a witness.

Quorum.

SECTION 48. Three trustees shall constitute a quorum for the transaction of business, and the vote or assent of at least three trustees shall be necessary to render valid any resolution adopted, act done, or business transacted at such meeting. All trustees to be found in the village shall be notified of such meeting by the clerk.

Term "trus-
tees."

SECTION 49. Whenever the word "trustees" occurs in this act (except in sections three and four), it shall be construed to mean a majority of the trustees, or a quorum sufficient for the transaction of business. The word "trustee," when it occurs in this act, shall be deemed to include the president. The word "assessors," when it occurs in this act, shall be construed to mean a majority of the assessors, all upon a meeting, duly notified as mentioned in the last preceding section.

"Asses-
sors."

SECTION 50. This act is hereby declared to be a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained or intended.

Resigna-
tions.

SECTION 51. All resignations of any officers under this act shall be made to the trustees, subject to their acceptance. Any officer removing from the limits of said village shall thereby vacate the office to which he shall have been elected or appointed under this act. Also, in case of all vacancies, from any cause before mentioned, a resolution of the trustees, recorded by the clerk, shall be prima facie evidence of such vacancy, and of the duty of the trustees to order a new election, or make a new

appointment of the officer to fill such vacancy, pursuant to the exigency of this act.

SECTION 52. All statutory provisions relative to said village inconsistent with this act, are hereby repealed; but such repeal shall not affect any act done, privilege granted, or right secured or established, or any just proceeding or prosecution had or commenced previous to the time when such repeal shall take effect. All by-laws, ordinances or resolutions now in force in said village, shall continue in full force until they shall be altered, modified or repealed by the trustees under and by virtue of this act. All statute laws relating to towns and villages generally, not conflicting with the special provisions of this act, shall apply to the trustees and other officers of said village in their powers and duties. Repeal.

SECTION 53. This act shall take effect immediately.

Chap. 71.

AN ACT to change the name of John Peter Bayer to John Peter Chatillon.

Passed March 28, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of John Peter Bayer, of the city of New York, the son of John B. Bayer, deceased, is hereby changed to John Peter Chatillon, by which last mentioned name he shall hereafter be known and designated.

§ 2. This act shall take effect immediately.

Chap. 72.

AN ACT to amend an act entitled "An act to regulate the sale of keg oysters," passed April tenth, eighteen hundred and forty-nine.

Passed March 28, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and seventy-two of the Laws of eighteen hundred and forty-nine, entitled "An act to regulate the sale of keg oysters," is hereby amended so as to read as follows:

It shall be the duty of every person or company of persons, who now are, or may be hereafter engaged in putting up oysters for sale in kegs or cans, or who may offer for sale within the state oysters so put up, which have not been previously branded, to mark or brand such kegs or cans with the true quantity of oysters, in pints, quarts or gallons, which they may respectively hold, and not more than one-quarter of the quantity so marked on any keg or can shall be liquid.

§ 2. Every person or company of persons who shall offend against any of the provisions of the first section of this act, shall incur a penalty of twenty dollars, recoverable in an action against the party or parties, in the name of any person who shall sue for the same.

§ 3. One-half of the sum which may be recovered under the provisions of this act shall be paid to the superintendent of the poor or overseers of the poor of the county in which the offense shall be committed, and in the city of New York to the governors of the alms-house for the use of the poor therein, and the other half shall be for the use of the person who shall sue for and recover the same.

§ 4. This act shall take effect on the first day of May next.

Chap. 73.

AN ACT to change the name of Utica Woolen Mills to the Globe Woolen Company.

Passed March 30, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The corporate name of Utica Woolen Mills is hereby changed to Globe Woolen Company, by which name the said corporation shall be hereafter known, and which name shall be hereafter used in all its corporate business; all deeds, covenants and contracts made by and with said corporation, and all rights and duties pertaining to or due to or from said corporation, before the passage of this act, may be enforced, and actions may be brought thereon, or in relation thereto, by the new name given by this act to said corporation.

§ 2. This act shall take effect immediately.

Chap. 74.

AN ACT to change the name of Emrilous Janette Hadlock to Emrilous Janette Williams.

Passed March 30, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the passage of this act Emrilous Janette Hadlock, an adopted child of Erastus F. Williams, of Hamilton, Madison county, and state aforesaid, shall be known and designated by the name of Emrilous Janette Williams.

Chap. 75.

AN ACT to change the name of Mary Jane Stork to Mary Jane Rea.

Passed March 30, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of Mary Jane Stork, of the town of Malone, in the county of Franklin, is hereby changed to Mary Jane Rea, by which name she shall hereafter be designated and known.

§ 2. This act shall take effect immediately.

Chap. 76.

AN ACT to legalize the acts of George Talbot as justice of the peace.

Passed March 30, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All proceedings by and before George Talbot, acting as a justice of the peace in and for the city of Buffalo, in Erie county, since the first day of January, one thousand eight hundred and fifty-eight, shall be held to be of the same force and validity as if the said George Talbot had qualified as such justice of the peace, in the manner, and within the time required by law, but nothing in this act shall be construed to affect any suit or proceeding commenced before the passage thereof.

§ 2. This act shall take effect immediately.

Chap. 77.

AN ACT to enable the Trustees of Alfred University to issue bonds.

Passed March 30, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. For the purpose of raising money for the erection of a new college hall, for the accommodation of students, the trustees of Alfred University are authorized to execute and issue their bonds, in shares of one hundred dollars each, for an amount not exceeding twelve thousand dollars, payable within ten years, with annual interest thereon, and pledging as security therefor the corporate property of said trustees.

§ 2. Duplicates of all bonds, issued in pursuance of the foregoing section, shall be filed with the clerk of the county in which said university is located, and when thus filed, shall be a mortgage lien upon the corporate property of said trustees.

§ 3. This act shall take effect immediately.

Chap. 78.

AN ACT to release to Elizabeth Blum, widow of Mamrad Blum, deceased, the interest of the State in a certain lot of land of which said Mamrad Blum died seised.

Passed March 30, 1859 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest of the people of the state of New York, in and to the following described lands, to wit: " All that lot of land being part

of block number one hundred and forty-seven, fourth ward of the city of Syracuse, described as follows: Beginning on the north line of Adams street, ninety-nine feet east of the southwest corner of the said block; thence north, parallel to Orange street, eighty-eight feet; thence east, parallel to Adams street, thirty-three feet; thence south to Adams street, eighty-eight feet; thence west thirty-three feet to the place of beginning," of which Mamrad Blum died seised, is hereby released to Elizabeth Blum, widow of said Mamrad Blum, to have and to hold, to her the said Elizabeth, her heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any creditor, by mortgage, judgment, or otherwise, or of any heir or heir at law, or otherwise, or of any devisee, or any person lawfully claiming title under or through the said Mamrad Blum.

Chap. 79.

AN ACT to amend the eighth title of chapter eight of part third of the Revised Statutes, entitled "Of proceedings for the collection of damages against ships and vessels."

Passed March 30, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Revised
Statutes
amended.

SECTION 1. The first section of title eight of chapter eight of the third part of the Revised Statutes, is hereby altered and amended so as to read as follows:

§ 1. Whenever a debt amounting to fifty dollars, on sea-going or ocean-bound vessels, or whenever a debt of fifteen dollars on vessels navigating any of the lakes of this state, shall be contracted by the master, owner, agent or consignee of any ship or vessel for either of the following purposes:

Ibid.

1. On account of any work or services done, or mate-

rials, supplies or articles furnished within this state, for or towards the building, repairing, fitting, furnishing, equipping, sailing or running such ship or vessel.

2. For such provisions and stores furnished within this state, as may be fit and proper for the use of such ship or vessel, at the time when the same were furnished.

3. On account of the wharfage, dockage and expenses of keeping such ship or vessel in port, including the expense incurred in employing persons to watch her.

Such debt shall be a lien upon said ship or vessel, her tackle, apparel and furniture, and shall be preferred to all other liens thereon, except mariners' wages, contracts on bottomry and respondentia and salvage services.

§ 2. The second section of said title is hereby amended so that the same shall read as follows :

Second section same title amended.

§ 2. When such ship or vessel being a sea-going vessel and bound upon a voyage foreign to the United States, and not to any of the provinces of Great Britain in North America, shall depart from the port at which she was when such debt was contracted, on such voyage, such debt shall cease to be a lien at the expiration of sixty days after the return of such ship or vessel to such port, and in all cases, except as hereinafter provided, such lien shall cease upon any sea-going ship or vessel immediately after such ship or vessel shall leave such port bound upon such foreign voyage, unless the person having such lien shall, before said ship or vessel leaves such port, or within ten days after such departure, cause to be drawn up specifications of his lien, the correctness of which shall be sworn to by such person, his agent or legal representative, which specifications shall be filed in the office of the clerk of the county in which such debt was contracted ; and when such ship or vessel shall be other than a sea-going vessel bound upon such foreign voyage, and shall depart from the port at which she was when such debt was contracted, such debt shall cease to be a lien on the first day of February next succeeding the year in which such debt was due, unless in the month of January next after the year in which such debt was due, the specifications aforesaid shall be made and filed as aforesaid, and such debt shall, in all cases, cease to be a lien upon such last mentioned ship or vessel in sixty days after the return of such ship or vessel to the port at

which such debt was contracted, in the year next succeeding the first day of January after the said debt was due. It is provided that, when any such ship or vessel shall be once seized under the provisions of this title, such lien shall not cease until the sale of such ship or vessel, her release from such seizure as herein provided, or the end or discontinuance of the proceedings under this title ; and that this title shall not apply to any canal boat or any steam canal boat employed wholly or in part on any of the canals, rivers or lakes in this state. In case such vessel shall be seized under process issuing out of any United States court, during the existence of any such lien, the time she shall be in custody under such process shall not be considered, but shall be excluded and disregarded in computing the sixty days which such lien may have to run after her return to port. The county clerk of every county in this state shall provide and keep a book which shall be called " Liens on ships and vessels." in which shall be entered alphabetically, the names or description of such ship or vessel, if she have any, upon which a lien shall be claimed as aforesaid, and opposite to such name the name of the person claiming such lien and the amount of such lien, and the time of filing such specification, and the clerk shall, in every such case, receive the sum of twenty-five cents for filing and entering such specification, and such book shall be open to public inspection and examination.

Third section same title amended.

§ 3. The third section of such title is hereby altered and amended so that the same shall read as follows :

§ 3. Any person having due to him any debt contracted for any of the purposes hereinbefore specified, may make application to any judge or justice of any court of record in this state for a warrant to enforce the lien of such debt and to collect the amount thereof upon executing an undertaking with sufficient sureties, to be filed in the county clerk's office, to the effect that if the applicant is finally adjudged not to have been entitled to such warrant, he will pay all costs that may be awarded against him, and all damages which may be sustained by the master, owner, agent or consignee of the ship or vessel by reason of the attachment, not exceeding the sum specified in the undertaking, which shall be at least one hundred dollars.

§ 4. The eighth section of said title is hereby altered and amended so that the same shall read as follows :

§ 8. The officer issuing any such warrant shall thereupon immediately order the notice hereinafter directed, to be published in one or more of the newspapers printed in the county in which the warrant shall be issued ; and if there be none printed in such county, then in a newspaper printed nearest to such county, once a week, or oftener, if he shall deem proper, for three months successively, in the case of a sea-going vessel bound upon such foreign voyage, as aforesaid, and in other cases for one month.

§ 5. The ninth section of said act is hereby altered and amended so that the same shall read as follows :

§ 9. Such notice shall contain the following matters :

1. It shall state the issuing of such warrant; the name of the vessel seized ; the port or place to which she belonged, and the name of her last commander.

2. It shall require all persons who claim to have any demands against the said ship or vessel, her tackle, apparel or furniture, under the provisions of this title, to deliver an account of their respective claims to the said officer, within three months from the first publication of such notice, in the case of such sea-going vessels, and one month in other cases, or that their remedy against such vessel will be forfeited.

3. It shall state that such vessel will be sold for the payment of the claims against her, unless the owner, consignee or commander thereof, or some person interested therein, appear and discharge such warrant, according to law, within three months, in the case of such sea-going vessels, and one month in other cases, from the first publication of such notice.

§ 6. The fifteenth section of said title is amended by adding thereto as follows :

Such bond may be prosecuted in any court having jurisdiction thereof, and costs may be recovered in actions brought upon such bonds the same as in other actions upon money bonds, together with the costs of the attachment and the sheriff's fees, and expenses of keeping such ship or vessel, which shall be allowed or taxed with the plaintiff's costs, in such suit on such bond, if the plaintiff shall succeed in such suit. The costs of the creditor on

such attachment, or upon filing such lien, shall be, besides disbursements and sheriff's fees and expenses, when the amount of such lien is under fifty dollars, ten dollars; when the amount of such lien exceeds fifty dollars, and is under two hundred and fifty dollars, twenty dollars; and when the amount of such lien shall exceed two hundred and fifty dollars, thirty dollars; which disbursements, fees and expenses shall, in case such ship or vessel shall be sold, be verified by affidavit, and adjusted by the officer distributing the proceeds of such sale.

§ 7. The sixteenth, seventeenth, eighteenth and nineteenth sections of said title are hereby repealed.

§ 8. This act shall not apply to debts heretofore contracted.

§ 9. Section forty-two of the same act is also hereby amended by adding at the end thereof the following clause:

But nothing in this section shall be so construed as to prevent any person holding a lien from suing out process in the state courts, and making a levy upon such vessel subject to such seizure under the United States process; and on such vessel being released from such custody under the process issued out of the United States court, such claims shall take effect in the same manner as if such vessel had not been in custody under United States process.

§ 10. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 11. This act shall take effect immediately.

Chap. 80.

AN ACT to enlarge the bounds of the village of Fort Edward, make the same a separate road district, and conferring additional powers upon the trustees and taxable inhabitants of said village.

Passed March 30, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The corporate limits of the village of Fort Edward shall be, and the same are hereby extended so that the same shall include all that part of the town of Fort Edward, in the county of Washington, embraced within the limits of the village of Fort Edward, as heretofore incorporated under the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, and the several acts amending the same; and also all that part of the said town of Fort Edward bounded on the north by the north line of James R. Gandal's farm, and then running west to the Hudson river, following down the east bank of the Hudson river to the big dam, on the east by the highway commonly called "The Mud street road," on the south by the present northern boundary of said village, and on the west by the Hudson river; also all that part of the town of Fort Edward lying west or westerly of the present corporate limits of said village. And the inhabitants residing, or who shall hereafter reside, within the limits of said village as herein enlarged as aforesaid, shall be a corporation known and distinguished by the name of the village of Fort Edward, and as such shall have a perpetual succession, and may sue and be sued in any court by that name; may take and hold by gift, grant and devise, any real estate or personal estate for the use of said village, and may exercise such powers as are or shall be conferred by law or by this act, or as shall be necessary to carry such powers into effect. And no survey or filing of any map shall be necessary to give validity to this act; and the corporate jurisdiction

Limits.

Body corporate.

of said village, and the laws applicable thereto, and the ordinances adopted by the trustees thereof, shall have the same validity, force and effect within, upon and over the territory embraced within the aforesaid extended limits of said village, as if said territory had been included within the boundaries of said village at the time of the original incorporation thereof.

Separate
road dis-
trict.

Trustees to
be commis-
sioners of
highways
for same.

§ 2. All that part of the town of Fort Edward, Washington county, included within the bounds of the village of Fort Edward (as described and extended in the first section of this act), is hereby declared to be a separate road district, and free from the superintendence and charge of the commissioners of highways of said town; and the trustees of said village shall be the exclusive commissioners of highways therein, and they alone shall possess and exercise all the powers of commissioners of highways of towns in repairing, altering, describing and laying out streets and highways in said village, and causing encroachments upon such streets and highways to be removed, and the same powers as commissioners of highways in towns in making assessments of moneys and labor therefor within the limits of said village, and in laying out money and labor for said purposes; and they shall have the power to prescribe the manner, width and material for making and constructing sidewalks and crosswalks in said village, and may expend highway labor on the same.

Street com-
missioner,
how and by
whom ap-
pointed.

§ 3. The trustees of said village shall have power, from time to time, to appoint a street commissioner for said village, and remove him at pleasure and appoint a successor in his place, who shall possess all the powers and perform all the duties in his district that are given and enjoined upon overseers of highways, and such as shall be prescribed to him from time to time by said trustees, being accountable to the said trustees in the same manner as overseers of highways are by law to commissioners of highways.

Property
liable to
assessment
for highway
labor.

§ 4. All real estate situate within the limits of said village, and all persons resident therein, and all corporations located and doing business in said village, which property, persons and corporations would have been liable to assessment for highway labor in the town of Fort Edward, had not the said village been incorporated and

made a separate road district, shall be liable to assessment for highway purposes in said village; but no person or corporation residing or located within the said village, shall be assessed therein for lands owned or occupied by such person or corporation beyond the limits of said village, within the town of Fort Edward, but all such persons and corporations shall be assessed for such lands in the road district in said town in which such lands shall lie; and the trustees of said village may proceed to enforce collection and performance of highway taxes and labor against the owners and occupants of real estate, situate and liable to assessment in said village as herein provided, the same as if such owners and occupants were residents in the said village.

§ 5. At any meeting of the electors of such village to elect village officers, or at any other meeting of such electors, duly notified by the trustees in the manner provided by the aforesaid act, under which the said village is organized, the persons entitled to vote to raise taxes in said village, may by resolution direct the trustees to cause to be raised by tax, as other moneys shall be raised for corporate purposes in said village, such sum as shall be prescribed by such resolution, not exceeding the sum of five thousand dollars for the completion of the bridge across the Hudson river, between the village of Fort Edward and Moreau, now partially constructed, under an act entitled "An act to provide for the construction of a free bridge across the Hudson river between the towns of Fort Edward and Moreau," passed April sixteenth, eighteen hundred and fifty-eight. And in case of the passage of such resolution, the trustees shall cause the said amount so voted to be levied and raised as follows: One thousand dollars and interest on the whole amount voted, in each year after the passage of such resolution until the whole of said amount so voted and interest is raised and collected. And in case of the passage of the aforesaid resolution, the trustees are hereby authorized and empowered to issue notes in the name of the corporation, in such amount and payable at the several times when the said sum so voted is to be collected as aforesaid, for the purpose of completing said bridge as soon as practicable, and which said notes shall be obligatory upon said village. And at any such meeting of the electors of said

Manner of
raising tax
to build
bridge over
Hudson
river.

village, the persons entitled to vote to raise taxes in said village may by resolution direct the trustees to cause to be raised by tax, as other moneys shall be raised for corporate purposes in said village, such sum as shall be stated in such resolution to repair and improve the highways, streets and public grounds in said village, or may direct the said trustees to make an assessment of labor to be performed upon the highways, streets and public grounds in said village, in the manner authorized and prescribed by law for the assessment and enforcement of performance of highway labor in towns; and in either case the said trustee may impose a poll tax of at least one day of highway labor, upon all inhabitants of said village who would have been liable to be assessed in the town of Fort Edward, had not the said village been incorporated and made a separate road district as herein provided, and who are not specially exempted from such assessment under any law of this state. But in case the aforesaid sum is voted and raised as above provided for the completion of said bridge, it shall not be lawful for the said village or the trustees thereof to make an assessment, for highway purposes in said village, exceeding the amount of eight hundred dollars, in each year while the amount so voted for completing the said bridge is being collected.

Certain moneys may be laid out on highways in town of Fort Edward.

§ 6. The trustees of said village may cause such portions of the moneys as may be assessed, levied and collected in the manner provided in the fifth section of this act, in said village in each year, to be laid out on such of the highways in the town of Fort Edward, leading into said village as they shall direct.

General provision of law relative to villages, to be applicable.

§ 7. All statutory provisions relative to incorporated villages and the offices thereof, and the provisions of the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, so far as they are inconsistent with the provisions of this act, are not to be deemed applicable to said village.

Public act.

§ 8. This act is hereby declared to be a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained or intended.

§ 9. This act shall take effect immediately.

Chap. 81.

AN ACT to amend the act entitled "An act to amend the several acts incorporating the village of Owego, in the county of Tioga," passed April ninth, eighteen hundred and fifty-one.

Passed March 30, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The eleventh subdivision of the twenty-first section of the act entitled "An act to amend the several acts incorporating the village of Owego, in the county of Tioga," passed April ninth, eighteen hundred and fifty-one, is hereby amended by adding to said subdivision the following: "And to prohibit and prevent animals running at large in the streets or public grounds of said village, by such by-laws and ordinances, and under such penalties as may seem to them proper."

Amending
act of 1851.

§ 2. The thirty-seventh section of said act, is hereby amended by adding thereto the following: "or such taxes, with such interest thereon, may be added to the taxes of the persons liable therefor, assessed against them upon the assessment of any subsequent tax."

Ibid. sec. 37
amended.

§ 3. The forty-second section of said act, is hereby amended by adding thereto the following: "Provided, however, that the bridges in said village, over the Owego creek, or so much of them as is in the town of Owego, and over Archibald creek, and over Nichols' hydraulic canal, shall be under the jurisdiction and superintendence of the highway commissioner or commissioners of the town of Owego, and the construction and repairs thereof, shall be at the expense of the town of Owego."

Section 42
amended.
Bridges
over Owego
creek.

§ 4. The forty-sixth section of said act, is hereby amended so as to read as follows:

Section 46
amended.

§ 46. Such damages shall be assessed by not less than three commissioners, to be appointed by the county court of said county, or by the supreme court sitting in said county; on the application of the trustees, said commissioners shall take an oath, honestly, fairly and impartially

to assess such damages; and shall, on receiving at least six days' notice of the time and place, meet said trustees, and upon due proof made that all parties in interest, or the father, or if there be no father, the mother, or if there be no father or mother, the general guardians of such of them as are minors, have had like notice, shall take a view of the premises, hear the parties and such witnesses as may be offered before them, and shall assess all damages which shall be required to be assessed on the same street or alley, and shall be authorized to administer oaths to witnesses who may be produced before them under this section; and when they shall have so met and acted, the assessment agreed to by a majority of them, shall be valid; and the same shall be reduced to writing, and signed by them, or a majority of them, and delivered to the village clerk, who shall file and record the same. Said assessment may be set aside for errors in law, by said county court or by said supreme court, sitting in said county, on the application, within thirty days, of said trustees, or of any party interested, and new commissioners appointed, who shall take an oath, and proceed in all respects, as above directed, and with the like effect.

Section 49
amended.

§ 5. Section forty-nine of said act is hereby amended by striking out of the last period of the fourth clause thereof, the words "section thirty-five," with the comma thereafter, and inserting in their place, the words "this section," and placing a comma after the word "assessed," in the same line.

Chap. 82.

AN ACT to provide for the organization and government of the police force of the city of Albany.

Passed March 31, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

ARTICLE I.

OF THE ORGANIZATION OF THE POLICE FORCE OF THE CITY OF ALBANY.

SECTION 1. The police department of the city of Albany, as organized under and by virtue of an act entitled "An act to provide for the organization and government of the police of the city of Albany," passed March twenty-ninth, eighteen hundred and fifty-one, and the several offices of city inspectors and police constables in said act mentioned, are hereby abolished, and in lieu thereof there shall be established a night and day police, as herein provided, which shall be styled the police force of the city of Albany.

§ 2. The several offices of chief engineer and assistant engineers of the fire department of said city, as now existing, are also hereby severally abolished; and in place thereof there shall be established a board of engineers of such fire department, as by the provisions of this act provided.

Chief engineer and assistant engineers abolished.

§ 3. The police force of said city of Albany shall consist of the following members, viz.: One chief of police, four captains of police, four lieutenants of police, forty-six policemen and four doormen.

Police to consist of.

§ 4. The chief engineer and the several assistant engineers of the fire department of said city, authorized to be appointed by the provisions of this act, shall also be, severally, members of the police force of said city, and, in addition to the powers and authority specially conferred upon the same by this act, they shall each possess and exercise all the powers hereby conferred

Engineers of fire department to belong to police force.

upon the policemen; but they shall not be required or allowed to serve or execute any warrant or other process issued by any court or officer, nor to perform any police duty or service other than such as may be enjoined upon them by the provisions hereof.

Supernumerary policemen.

§ 5. In addition to the force hereinbefore enumerated, there shall be five supernumerary policemen and one supernumerary doorman attached, by an order of the police board herein created, to each of the companies of police into which the said force shall be divided.

Four police districts.

§ 6. The police board of the city of Albany by this act created, shall, as soon as may be practicable, by rules and regulations to be adopted by such board, divide the said city into four police districts, and shall provide, at the expense of said city, in each of said districts, suitable accommodations for the police, to be designated "police station house." And the said police board are hereby empowered to change, from time to time, as they may deem expedient, the boundaries of said police districts.

One company in each district.

§ 7. In each police district of said city there shall be one company of police, to consist of one captain of police, one lieutenant of police, and of such number of policemen as the said board may, from time to time, by an order of said board, assign thereto. One doorman shall also be assigned by the said police board to each of the said districts.

ARTICLE II.

OF THE ORGANIZATION AND POWERS OF THE POLICE BOARD OF THE CITY OF ALBANY.

Commissioners.

§ 8. The police board of the city of Albany shall consist of five commissioners, to wit: The mayor of said city for the time being, the two police justices of said city for the time being, and two electors of said city, who shall be chosen by the citizens of said city qualified according to law to vote at any charter election of officers for said city of Albany. The said five commissioners of the police board hereby created shall receive no compensation for any services performed by them under the provisions of this act, except that the secretary of

said board shall receive a salary of three hundred dollars per year, for his services, payable by the chamberlain of said city in equal quarterly installments.

§ 9. Any three commissioners of the police board, created by this act, shall constitute a quorum thereof, and such quorum may execute all the powers hereby conferred upon the said police board. The mayor of the city of Albany, for the time being, shall be, ex officio, the chairman of said board; but in case of his absence from the said city, or of his inability, from any cause, to attend any meeting of said board, the members thereof who may be present, shall have power, by a majority vote, to appoint one of their number to be the chairman, pro tempore, of such meeting. Quorum.

§ 10. The said police board shall keep a record of their proceedings, and they shall appoint one of their number to be the secretary of the board. Such secretary shall have the custody of all books and papers belonging to the board, but the same shall be, at all times, open to the inspection of each of the said commissioners. Shall keep record, &c.

§ 11. The said police board hereby created shall have exclusive power to appoint the said chief of police, the captains of police, the lieutenants of police, the policemen, the doormen, the supernumerary policemen and supernumerary doormen, and the five members of the board of engineers of the fire department, hereby established. Board to appoint chief of police, &c.

§ 12. The said police board may also, whenever they shall be of opinion that the public interest requires it, appoint so many additional policemen, not exceeding four in number, as they may deem proper, for service on and about the Albany pier; but the said additional policemen shall be appointed for such length of time only as the said police board shall determine, and during the time of their appointment they shall be subject to all the rules and regulations that may be adopted, as hereinafter provided, for the government and discipline of the said police force. The said police board shall also assign so many policemen, not exceeding six in number, as they shall deem necessary, for duty at the police office in said city, and the persons so assigned shall perform such duties as may be required of them at such office, during the pleasure of said board. Additional policemen.

Court for
trial of
charges.

§ 13. The said police board, or any three members thereof, of whom the mayor, or one of the police justices of said city of Albany shall be one, shall constitute the court for the trial of all charges that may be preferred against any officer or member of said police force; and the said police board are also hereby empowered to prescribe, from time to time, rules and regulations for the government and discipline of the officers and members of said police force, which rules and regulations shall be binding, under the penalty of suspension or removal from office.

Vacancies.

§ 14. All vacancies that may at any time occur in the office of any of the members of the said police force, as in this act designated, shall be filled by the said police board.

Commissioners,
when
elected.

§ 15. On the day of the charter election for any officers of said city of Albany, appointed to be held next after the passage of this act, and on the same day triennially thereafter, there shall be elected by ballot, two electors of said city as commissioners of said police board, who shall severally hold their offices for the term of three years, from the first Tuesday of May next, after the day of their election, and until their successors shall have been duly elected and qualified as herein provided. The said two commissioners, during such term, shall hold no other office or place of public trust whatever, to which any salary or compensation shall be attached.

How
elected.

§ 16. At every election of such two commissioners of said police board as directed by the last preceding section of this act, each elector of said city qualified by law to vote at such election, shall vote for one only of said two commissioners, and the two persons who may receive at any such election, the highest number, respectively, of votes for such office, shall be elected thereto. Every ballot containing the name of more than one individual for such office, shall be rejected by the inspectors of election, upon the canvass of such votes.

Ballot box.

§ 17. A separate box shall be provided at each election to be held as aforesaid, for the reception of the ballots that may be cast for such commissioners. Such box shall bear the inscription, "police board," and shall be similar in construction to the boxes now required to be provided

for the reception of ballots for officers that may be chosen at the charter elections in said city.

§ 18. The caption or title of the ballots mentioned in the last section of this act shall be, "police board," and the name of the person voted for on such ballot shall be written or printed, under the words, "for commissioner of police board."

Ballots

§ 19. All the provisions of law now in force in regard to the manner of voting for officers at any charter election in said city, to the mode of canvassing and returning the votes taken at such elections, and to the duties and powers of inspectors of election thereat, are hereby made applicable to any election by this act directed of such two commissioners of said police board.

Election
law appli-
cable,

§ 20. The commissioners of said police board who may be, at any time, elected under the provisions of this act, shall, within thirty days next after their election, take and subscribe before the mayor or recorder of the said city of Albany, or before a judge of a court of record, the constitutional oath of office, which oath shall be filed in the office of the clerk of the common council of said city of Albany.

Oath of
commis-
sioners.

§ 21. The said police board of the city of Albany, constituted as above prescribed, shall, on the second Tuesday of May next, after the election of said two commissioners of said board, or as soon thereafter as may be practicable, appoint all the officers and members of said police force, as above enumerated, and also the five members of the board of engineers of the fire department of said city, herein established. The said police board shall issue to each officer so appointed by them, a warrant under the hand of the chairman of said police board, certifying the appointment of such officer; and every officer and member of said police force above mentioned, shall, before entering upon the performance of his duties, take and subscribe, before a commissioner of the said police board, the constitutional oath of office, which oath shall be filed with the secretary of said police board.

When and
how to ap-
point offi-
cers.

ARTICLE III.

OF THE QUALIFICATIONS OF THE OFFICERS AND MEMBERS
OF SAID POLICE FORCE, AND THEIR TENURE OF OFFICE.

Qualifica-
tions of
members of
department.

§ 22. Every officer, policeman, doorman, or other member of the police force of said city of Albany, as by this act established, shall be a citizen of the United States and of the state of New York, and, at the time of his appointment, an actual resident of the city of Albany; and his removal from said city shall render his office vacant. He must, also, previous to his appointment, present to a member of said police board, a certificate, signed by at least twenty-five reputable householders of the ward in which he may reside, stating that they have been acquainted with the applicant, personally, for three years last past, and that during such time he has borne a good character for honesty, sobriety and morality. Such applicant must also establish, to the satisfaction of said police board, that he, the said applicant, can read with facility, and legibly write the English language; that he well understands the first four rules of arithmetic, and that he is a proper person to be appointed to the office for which he may have applied. All such certificates as are herein required, shall be properly indorsed by the secretary of said police board, and shall be placed on file and carefully preserved by him.

Hold office
during good
behavior.

§ 23. Every officer and member of the police force of the city of Albany, hereby established, appointed under and by virtue of the provisions of this act, except the additional policeman who may be appointed as above prescribed, for service on and about the Albany pier, shall hold his office during good behavior; and no officer or member of said police force shall be removed from office except for cause and after a trial, as in this act provided.

ARTICLE IV.

OF THE CHIEF OF POLICE—HIS POWERS AND DUTIES.

Chief of
police.

§ 24. The chief of police, to be appointed under the provisions of this act, shall be (subordinate to the mayor of the city of Albany) the chief executive of the police

force created by this act, and he shall obey, and cause the force under him to obey, the rules and regulations that may be from time to time established by the said police board, in accordance with the provisions of this act. The said chief of police shall possess, in every part of the state of New York, all the common law and statutory powers of a constable, except for the service of civil process; he shall likewise possess the powers of a magistrate to entertain complaints for criminal offenses, and to issue warrants for the arrest of persons charged with such offenses, which warrants shall be made returnable before the police justice of said city of Albany, at the police office. He shall also possess the power to commit persons charged with criminal offenses, until an examination shall be had before such police justices, or one of them.

§ 25. It shall also be the duty of said chief of police, Duties of. under the direction of the mayor of said city, to superintend the police force of which he is the chief executive officer; and upon him shall rest the responsibility of the proper conduct of such force; and it shall be his further duty, at least every three months, to report, through the mayor, to the said police board, the state of the police force, with such other information in his possession as may promote the welfare and efficiency of the same; and also such suggestions as he may deem proper; and the said police board shall provide, at the expense of said city of Albany, an office for said chief of police, wherein shall be kept a record of the transactions of the force under him, and also a roster of all the officers and members of such force, and the said office shall be the headquarters of the police force, where all reports to the chief of police shall be made.

§ 26. The said chief of police shall give a bond to the mayor, aldermen and commonalty of the city of Albany, Chief shall give bond. in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties while he shall continue to hold such office. Such bond shall be approved by the said police board, and shall be filed in the office of the chamberlain of said city of Albany.

ARTICLE V.

OF THE CAPTAINS OF POLICE, THEIR POWERS AND DUTIES.

Captains,
&c.

§ 27. The several captains of police authorized to be appointed under the provisions of this act, shall possess, in every part of the state of New York, all the common law and statutory powers of a constable, except for the service of civil process; they shall also, in conjunction with the lieutenants attached to their several districts, discharge, within the limits of their respective districts, all the duties heretofore performed by the city inspectors, and for this purpose they shall severally possess all the powers heretofore possessed by the said city inspectors. The said captains of police shall obey such orders and directions as shall be given to them by the chief of police, in accordance with the rules and regulations prescribed by the said police board, and in conformity to the laws of this state and the ordinances of the common council of said city of Albany.

Shall give
bond.

§ 28. The said captains of police shall, severally, give a bond to the mayor, aldermen and commonalty of the city of Albany, in the penal sum of one thousand dollars, conditioned for the faithful performance of their duties while they shall continue to hold such office. Such bonds shall be approved by the said police board, and shall be filed in the office of the chamberlain of said city of Albany.

ARTICLE VI.

OF THE LIEUTENANTS OF POLICE, THEIR POWERS AND DUTIES.

Lieutenants

§ 29. Each of the lieutenants of police authorized to be appointed under the provisions of this act, shall possess, in every part of the state of New York, all the common law and statutory powers of a constable, except for the service of civil process; they shall also aid and assist the captains of police in the districts to which they may be severally attached, in the performance of their duties as city inspectors, and to that end they shall each possess all the powers formerly conferred upon the city inspectors hereinbefore mentioned. The said lieutenants

of police shall obey such orders and directions as shall be given them by the chief of police, and by the captains of police in the districts to which they shall be severally assigned, in accordance with the rules and regulations prescribed by the said police board, and in conformity to the laws of this state and the ordinances of the common council of said city of Albany.

§ 30. In case of the absence of any captain of police, or of a vacancy in his office, the lieutenant of police attached to the same district shall perform all the duties required of such captain; and while acting in such capacity the lieutenant of police shall possess and exercise the powers vested in such captain of police. Duties.

§ 31. Each of the said lieutenants of police shall give a bond to the mayor, aldermen and commonalty of the city of Albany, in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties while he shall continue to hold such office. Such bonds shall be approved by the said police board, and shall be filed in the office of the chamberlain of said city of Albany. Shall give bond.

ARTICLE VII.

OF THE POLICEMEN AND DOORMEN, AND THEIR POWERS AND DUTIES.

§ 32. It shall be the duty of the policemen and doormen, authorized to be appointed by the provisions of this act, to obey such orders and directions as they shall, from time to time, receive from the chief of police, and the captains and lieutenants of police, in accordance with the rules and regulations prescribed by the said police board, and in conformity to the laws of this state, and the ordinances of the common council of said city of Albany. The said policemen and doormen shall severally possess, in every part of the state of New York, all the common law and statutory powers of a constable, except for the service of civil process. It shall be the duty of such policemen and doormen to report, through their respective captains, to the chief of police, all violations of the corporation ordinances, all suspicious persons, all bawdy houses, receiving shops, pawnbrokers' shops, junk shops, gaming houses, and all places where idlers, tip- Duties of policemen, &c.

plers, gamblers and other disorderly persons congregate; and it shall be their further duty to caution strangers and others against entering such places, and against pick-pockets, watch-stuffers, droppers, burners and other vicious persons; to preserve the public peace: to render every assistance and facility to ministers and officers of justice; to direct strangers and others the nearest way to their places of destination, and when necessary to cause them to be accompanied by a member of the force; and they shall, to the extent of their power, enforce the ordinances of the common council of said city of Albany.

Duties of
supernu-
merary
policemen.

§ 33. It shall be the duty of the supernumerary policemen and doormen to fill, for the time being, any vacancy which may exist in the company to which they are attached; and while filling such vacancy they shall severally possess the same powers, and be subject to the same duties, rules and discipline, as the persons in whose places they may be acting.

ARTICLE VIII.

OF THE COMPENSATION OF THE POLICE FORCE.

Compensa-
tion of
police.

§ 34. The compensation of the members of the police force, created by this act, shall continue to be the same as is now paid to the officers of *correspdng rank in the police department, which is hereby abolished, to wit: to the chief of police, one thousand dollars per year; to each captain of police, six hundred dollars per year; to each lieutenant of police, five hundred and fifty dollars per year; to each policeman, five hundred dollars per year; and to each doorman, four hundred dollars per year; supernumerary policemen and supernumerary doormen shall be paid at the rate of one dollar and twenty-five cents per day of twenty-four hours, for every such day's service rendered by them, and the amount so paid, in each particular instance, shall, unless otherwise ordered by the said police board, be deducted from the compensation of the officers in whose places such supernumeraries shall act.

Salaries to
be paid by
chamber-
lain, &c.

§ 35. The salaries of the said chief of police, captains of police, lieutenants of police, policemen and doormen, and the compensation of the supernumerary policemen

* So in original.

and doormen, as prescribed in the last preceding act, shall be paid by the chamberlain of said city of Albany, monthly, in such manner as shall be prescribed by the rules and regulations of the said police board. But the salary or compensation of no officer mentioned in this act, shall be reduced below the amounts of same as severally fixed by this act, while the officer to whom the same may be payable shall continue to be a member of said police force.

§ 36. No fees or compensation other than as herein provided, shall be charged or received by any member of the said police force, for the arrest, confinement or discharge of any person, or for mileage, or for serving any process or warrant, or for discharging any other duty required by this act to be performed by him. Nor shall any member of the said police force receive any present or reward for services rendered or to be rendered by him, unless with the knowledge and approbation of the mayor of said city of Albany; such approbation to be given in writing, and entered in a book to be kept in said mayor's office. Any member of the said police force, who shall receive any fee, present or reward, in violation of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, his office shall be vacant.

No fees to
be received,
&c.

§ 37. The actual, necessary and reasonable traveling expenses, which shall include board as well as transportation, incurred by any member of the said police force, in performing the services required of him by the district attorney or the police justices as herein provided, together with and an additional sum of twenty per centum upon the amount thereof, shall be paid by the treasurer of the county of Albany, to such member of said police force, when his account for the same, verified in the manner required by law, and accompanied by proper vouchers, shall have been audited by the board of supervisors of the said county; which board shall allow all charges made strictly in accordance with the provisions of this section. And the said board of supervisors shall annually reimburse the corporation of the city of Albany, to the amount of one thousand dollars for a portion of the salaries paid to the members of the said police force.

Traveling
expenses, to
be paid.

§ 38. The board of supervisors of the county of Albany shall, annually, on the requisition of the said police

Tax to be
levied by

board of
supervisors.

board, cause to be raised by tax, in the manner provided by law for assessing, levying and collecting the general taxes of said city of Albany, a sum not exceeding thirty-five thousand dollars, to defray the expenses of the police force organized by this act. Such sum, when collected, shall be paid over by the receiver of taxes of said city to the chamberlain thereof, by whom the disbursement thereof shall be made as herein provided, in accordance with the rules and regulations of the said board.

ARTICLE IX.

ON SUSPENSIONS AND REMOVALS FROM OFFICE.

Who may
suspend
policemen.

§ 39. The chief of police and the captains of police shall each have power to suspend policemen or doormen from office, for cause; and the police justices, the chief of police, and the district attorney of Albany county, shall each have the same power over all policemen who may be assigned, at any time, as herein provided, for duty at the police office in said city of Albany. The mayor of said city shall also receive from any person, complaints for cause, against the chief of police, captains of police, lieutenants of police, policemen or doormen.

Complaints.

§ 40. In every such case of suspension or complaint, the officer or person making the same shall, within twenty-four hours thereafter, notify the mayor of said city of the same, in writing. The notice so given shall specify the grounds of such suspension or complaint, and shall state the names of the witnesses by whom it is proposed to establish the charge or charges. After notice shall have been given to the accused, to afford him an opportunity of being heard in his defense, the court herein authorized to try all charges that may be preferred against any officer or member of said police force, shall proceed to examine witnesses, upon oath or affirmation, in support of the charges made and on behalf of the party accused; and such court shall thereupon have power, for cause, to continue the suspension, remove the accused from office, or restore him to duty. The testimony upon any such trial shall be reduced to writing, and the same, together with the decision thereon, shall be filed with the secretary of such police board. Any

member of the said court shall have power to issue subpoenas to compel the attendance of any person as a witness upon any trial pending before such court, and disobedience thereof shall render the parties guilty of same liable to the penalties prescribed by law in case of disobedience to subpoenas issued by courts of record.

§ 41. In all cases where the suspension may be continued, as above provided, the party suspended shall be deprived of his pay from the date of his suspension, and during the continuance thereof; but he shall not, at any time, be exempt from the performance of duty, unless the officer making such suspension shall so expressly order; and until such order be made, a suspension, as herein provided, shall mean a suspension from pay only.

Party suspended not to receive pay.

§ 42. In case of any trial upon charges preferred against the chief of police, or a captain or lieutenant of police, the said court shall possess the like power to remove the accused from office, to suspend him from pay for so long as they shall deem fit, or to restore him to duty.

Trial of chief, &c.

ARTICLE X.

OF THE BOARD OF ENGINEERS OF THE FIRE DEPARTMENT OF THE CITY OF ALBANY.

§ 43. The board of engineers of the fire department of the city of Albany, as by this act established, shall consist of five members, to wit, a chief engineer and four assistant engineers, the latter to be distinguished, severally, as engineers one, two, three and four. The said four assistant engineers shall be appointed in the manner hereinbefore prescribed, from such number of persons nominated for said respective offices by the incorporated body known as the Fire Department of the city of Albany, as the said police board shall by rule direct. No person shall be eligible to appointment as a member of the said board of engineers unless he shall have served as a member of a fire company in said city of Albany for the period of time required by law to entitle such person to the privileges of an exempt fireman, nor unless he shall have received from the proper authority a certificate of honorable discharge from such service; but no person shall be appointed a member of said board of en-

Engineers, how appointed, &c.

gineers who may at the time hold any other office or place of public trust; and in case any person who may be appointed a member of said board of engineers shall thereafter accept any other office or place of public trust whatever, such acceptance by him shall render vacant his office as a member of the said board.

Rules and regulations of board of engineers.

§ 44. It shall be the duty of the members of said board of engineers as soon after their appointment by the said police board as may be practicable, to meet together and make such rules and regulations for their own government and for the dispatch of business before them as they may think advisable, provided that such rules be not inconsistent with the ordinances of the common council of said city of Albany, or with the provisions of this act; but such rules shall be of no effect until approved by the said police board. The said board of engineers by this act established, shall have and exercise all the powers and authority now vested by law, or by the ordinances of the common council of said city of Albany, in the board of engineers now existing in said city, which is by this act abolished.

Quorum.

§ 45. A majority of the said board of engineers shall constitute a quorum thereof, and such quorum shall be competent to transact any business within the province of the said board.

Powers of chief and assistant engineers.

§ 46. The said chief engineer and assistant engineers authorized to be appointed by the provisions of this act, shall, in addition to the powers conferred upon them by the same, possess, so long as they may severally continue in office, all the powers, and be charged with all the duties, now given to or enjoined by law or by the ordinances of the common council of said city, upon the chief engineer and assistant engineers whose respective offices are hereby abolished, except as the same may be modified or affected by the terms hereof.

Ibid.

§ 47. It shall be the duty of the said chief engineer and assistant engineers, to arrest, or cause to be arrested, any person or persons whom they or any of them may find committing a violation of any law or ordinance passed, or that may hereafter be passed, by the common council of said city of Albany, for the preservation of order at any fire that may occur in said city, or for the protection of fire engines, hose or other fire apparatus

belonging to said city ; and all offenders so arrested shall be imprisoned and proceeded against in the manner prescribed in this act in relation to persons arrested by other members of the said police force.

§ 48. It shall be the duty of the said chief engineer to inquire into the cause or origin of any fire that may occur in said city of Albany, and also into all violations of laws or ordinances passed, or that may hereafter be passed, for the establishment of fire limits in said city, or for the prevention of fires therein. For these purposes the said chief engineer is hereby authorized and empowered to examine any person or persons on oath ; he may also issue subpoenas, returnable either forthwith or at such time and place as he shall appoint therein, to compel the attendance of witnesses before him on any such investigation ; and disobedience to any such subpoena shall subject the delinquent to all the penalties prescribed by law in cases of disobedience to subpoenas issued by courts of record.

§ 49. If it shall appear upon any such investigation that any building has been willfully burned or fired, and if the party or parties charged with such offense be not in custody, the said chief engineer shall have power to issue process for the apprehension of any such party or parties, in the same manner and with like effect as justices of the peace.

Parties to
be arrested
by chief
engineer.

§ 50. The testimony of all witnesses examined before the said chief engineer, upon any such investigation, shall be reduced to writing, and shall be returned by him to the next criminal court of record that shall be held within the county of Albany.

Testimony.

§ 51. In case of the absence of said chief engineer from said city of Albany, or of his inability, for any cause, to act under any of the provisions of this act, all the powers hereby conferred upon him shall devolve to and be exercised by the said assistant engineers, in the order of their numeral rank.

Absence of
chief engi-
neer.

§ 52. The chamberlain of said city of Albany shall pay to the said chief engineer, provided he devote his whole time and attention to the performance of the duties by this act imposed upon him, the sum of seven hundred dollars per year, in equal quarterly installments ; and the said chamberlain shall pay to each of said assistant engi-

Salary of
engineers.

neers the sum of fifty dollars at the end of every six months, from and after the date of their respective appointments to office. But no moneys shall be paid to any officer named in this section, without the certificate of said police board that such officer is entitled to receive the same.

Room for
board of
engineers.

§ 53. The common council of said city of Albany shall provide, at the expense of said city, a suitable room, with proper books, stationery, fuel and lights therein, for the accommodation and use of the said board of engineers; and in case of any refusal or neglect by said common council to furnish the same, as herein required, the said police board is hereby required to provide such room, books, stationery, fuel and lights, the expenses for which, when certified by said police board, shall be charged against said city of Albany.

Property to
be delivered
up.

§ 54. Every member of any fire company in said city of Albany, who may at any time cease to be a member thereof, by resignation, removal or expulsion therefrom, or by the expiration of his term of service, shall forthwith deliver to said board of engineers, or to a member thereof, his fire badge and any property belonging to the said city that may be in his possession; and in case any such person shall not, upon demand of said board, or of a member thereof, deliver such fire badge and other property as herein required, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding twenty-five dollars, or by imprisonment for a term not longer than three months, or by both such fine and imprisonment.

ARTICLE XI.

PROVISIONS OF A GENERAL NATURE.

Uniform.

§ 55. The chief of police, captains of police, lieutenants of police, policemen and doormen, shall severally provide themselves with and wear such uniform dress as shall be prescribed by the said police board; and in addition thereto, each member of the said police force shall carry a suitable emblem or device, to be prescribed also by said board; and during their continuance in office the members of said police force shall not be liable to military or jury duty.

§ 56. It shall be the special duty of the members of said police force to watch and guard the city of Albany, day and night. Punctual attendance shall be required of every member of said police force on all occasions; sickness and disability only shall be excuses for absence from duty, and the sickness or disability shall be proved by the affidavit or affirmation, in writing, of the party, that he was actually sick or disabled, and unable to perform his duty by reason thereof; and it shall be competent for the captains and lieutenants of police to administer an oath for such purpose.

Policemen shall guard city day and night.

§ 57. Any warrant for search or arrest, issued by any magistrate of the state of New York, may be executed in any part of said state by any member of the police force of the city of Albany, hereby created, without any backing or indorsement of the said warrant, and according to the terms thereof; and all the provisions of sections seven, eight and nine, of chapter two, title two, part four of the Revised Statutes, in relation to the giving and taking bail, shall apply to this act. The said chief of police, or the several captains and lieutenants of police in this act mentioned, having just cause to suspect that any felony has been, or is being committed, or is about to be committed, within any building, or on board of any steamboat, canal boat, vessel or craft within the limits of said city of Albany, may enter in or upon the same, at all hours of the day and night, to take the necessary measures for the effectual prevention or detection of all felonies, and may take, then and there, into custody all persons suspected of being concerned in such felonies, and also may take charge of and secure all property which he or they shall have, then and there, just cause to suspect has been stolen.

Policeman may execute any warrant, &c., in any part of state.

§ 58. On any alarm of fire, it shall be the duty of the captain of the police district, in which such fire has occurred, to proceed forthwith to the same with all the policemen of his company who may be off duty at the time, and to be diligent in preserving order and protecting property. In case of any riot, or of any other sudden emergency, requiring the services of the police force, on notice being given, the captain of the district in which the same may have occurred, shall immediately proceed, with all the policemen of his company then off duty, to

Duties of captains at an alarm of fire.

the place of disturbance, and be vigilant and efficient in speedily suppressing the same. If a larger force than his company can furnish, be required on any such occasion, he shall notify the captains of the other districts, or as many of them as he shall deem necessary, to that effect; and, upon being so notified, any of such other captains shall proceed at once, with all the policemen of his company off duty, to the scene of riot or disturbance, and placing himself under the orders of the captain from whom such notice has been received, he shall make every effort to preserve the peace, and to arrest all persons who may be engaged in violating the law. If, in any case, the services of the captains, with the policemen off duty, of more than two districts be required, the chief of police shall be notified thereof, and upon being so notified, he shall repair at once to the scene of riot or disturbance and take command of the whole police force there assembled.

Falsely representing members of police, penalty for.

§ 59. Any person or persons who shall falsely represent any of the members of the said police force, or who shall maliciously or with intent to deceive, use or imitate any of the uniforms, signs, signals, or devices adopted or used by the members of such force, shall be deemed guilty of a misdemeanor; and, upon conviction, shall be punished by a fine of not less than five dollars, nor more than two hundred and fifty dollars, or by imprisonment for a term not exceeding three months.

Offenses committed.

§ 60. All information respecting offenses committed, or of suspicious persons or places, that may be obtained by the members of said force, shall be communicated to the police justices of said city, and to the said chief of police, and shall be made a matter of private record in the police court, and in the office of said chief of police, to the end that the services of the whole police department may be secured in the detection of offenders and the recovery of property, and for the more effectual prevention of crime.

Persons arrested, &c.

§ 61. No persons arrested and detained in any of the said station houses, shall be released from such custody, either by discharge upon bail or otherwise, unless by the direction of the magistrate who issued the warrant; in case such person shall be detained by virtue of such process, or unless one of the police justices or a judge of

a court of record shall be present at the station house, and shall, after due examination of the case, direct a discharge of the prisoner, or shall admit him to bail. Every person arrested and detained in any of said station houses as a prisoner, upon a criminal charge, after six o'clock in the afternoon of any day, shall be securely kept till six o'clock of the day following the night of his arrest, at which hour he shall be taken to the police court for examination.

§ 62. No officer authorized to let to bail a person charged with any criminal offense, who may be so detained as aforesaid, shall accept as bail any member of the said police force, or any keeper, assistant keeper or turn-key of any prison.

No person
to be ad-
mitted to
bail.

§ 63. The powers and duties of the several officers whose offices are abolished by this act, shall be possessed and performed by them, respectively, until the officers authorized to be appointed by virtue of the provisions of this act shall be appointed, and enter upon the discharge of their duties.

Powers and
duties of
officers, &c

§ 64. All process issued by the district attorney of the county of Albany, and all services required by him to be performed by any constable, shall be served and performed by the policemen assigned, as hereinbefore provided, for duty at the police office in said city of Albany, or by such other member of said police force as may be designated for that purpose, except that during the session of any court exercising criminal jurisdiction in said county, the constables selected by the sheriff of said county to attend such court, shall discharge such duties in serving process, or otherwise, as may be enjoined upon them by the said district attorney, and the policemen assigned for duty at such police office shall be charged, by the said police justices, from time to time, with the performance of such duties as may be required in proceedings pending before them, or either of them; but, except as herein provided, no compensation for the performance of any such services, or for any traveling or other fees whatever, shall be allowed to or received by such officers, or any of them; and all fees now provided by law for the performance of any such services by constables, in said county, are hereby abolished.

Process
issued by
district
attorney.

Constables.

§ 65. The constables elected in the several wards of the city of Albany, as now provided by law, shall not be compelled to execute any criminal process, or to do any other business in criminal cases, and they shall not be entitled to or receive any compensation for services in criminal matters, except as herein provided.

Special constables.

§ 66. The special constables appointed by the mayor of said city, as now authorized by law, shall not be entitled to or receive any compensation from the authorities of Albany county; nor shall they be entitled to or receive any compensation from the common council of the city of Albany, unless an appropriation of money to meet the same shall have been made by that body previously to the performance of services by the said special constables.

Books, records, papers, &c.

§ 67. All public police property of every kind, books, records, papers, returns, accoutrements and badges, now in the possession of any officer or member of the police department of said city of Albany, are hereby given for the use of the police board hereby created, but the ownership of the same shall continue to be in the mayor, aldermen and commonalty of the said city of Albany.

§ 68. Any bond required to be given by the provisions of this act shall be renewed, from time to time, in such manner as the said police board shall by rule direct.

§ 69. In so far as any law, or any ordinance of the common council of said city of Albany, is inconsistent or conflicts with the provisions of this act, the same is hereby repealed and abrogated.

§ 70. This act shall take effect immediately.

Chap. 83.

AN ACT to provide for the appointment of commissioners of deeds in the village of Waterford.

Passed March 31, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be appointed in and for the village of Waterford, not exceeding three commissioners of deeds, who shall possess the same powers in the county of Saratoga as are conferred by law upon commissioners of deeds for cities, and be entitled to the same fees for services performed by them.

Commissioners of deeds, how many shall be appointed.

§ 2. The said commissioners of deeds shall be appointed by the trustees of the village of Waterford, or a majority of them, and a certificate of such appointment, signed by said trustees, or a majority of them, shall be filed within ten days thereafter, with the clerk of the county of Saratoga, and the oath of office of said commissioners shall be taken before said clerk, and they shall hold their offices for two years, and until others shall be appointed in their places.

By whom appointed.

§ 3. Any vacancy in the said office shall be supplied by the board of trustees of the said village, and the person appointed to fill such vacancy shall serve out the residue of the unexpired term of the commissioner in whose place he shall be appointed.

Vacancies, how filled.

§ 4. The first appointment under this act shall be made on or before the first Monday of May next.

§ 5. This act shall take effect immediately.

Chap. 84.

AN ACT to change the name and location of the
Niagara River Bank.

Passed March 31, 1859.

*The People of the State of New York, represented in
Senate and Assembly, do enact as follows :*

Location
changed
from Buf-
falo to
Lockport.

SECTION 1. The banking association known as the Niagara River Bank, may change its place of business and location from the city of Buffalo, in the county of Erie, to the village of Lockport, in the county of Niagara, whenever the stockholders owning three-quarters of the capital stock of said association shall have given their written assent to such removal, and to a change of name of said association, after such removal, to the Lockport City Bank, which assent shall be duly proved or acknowledged as conveyances of real estate are required to be proved or acknowledged, to entitle the same to be recorded, and shall thereafter be recorded in the county clerk's office of Niagara county ; such assent, before being so recorded, shall be verified by the president and cashier of said association, that the parties requiring the same are stockholders, and to the amount set opposite their respective names, and a certified copy of the record of such assent shall be filed in the office of the superintendent of the banking department in the city of Albany.

Name of
bank
changed.

§ 2. The name of the said the Niagara River Bank shall, upon such removal, be changed to, and the said association shall hereafter be called, "The Lockport City Bank," and by that name shall have the right to continue to hold, manage and dispose of the property and affairs of the said association, and conduct and transact the business thereof with the same force and effect as if originally organized under that name ; and under that name shall continue to be liable and held responsible for all debts, demands, liabilities, claims and obligations existing against said association at the time of its removal, and shall have, possess, hold and enjoy all its rights, property and privileges ; but nothing herein contained shall in any manner affect any action or proceeding now pending in favor of

or against the said the Niagara River Bank; any such action or proceeding may proceed to final judgment, and the judgment to be enforced in the same manner as though no change in the name of said association had been made; and in case, after such removal, any action shall be commenced against such association by the name of the Niagara River Bank, it shall not plead a misnomer, but may answer or plead to the merits of the action by its true name, setting up or stating in such answer or plea the change thereto, and such action shall thereafter proceed against said association by its true name; but if no answer or plea shall be put in, in such action, then the same may proceed to judgment, and any such judgment recovered therein shall be as valid and effectual, and may be enforced, as if the action had been commenced and conducted against said association by its true name.

§ 3. In case of such removal, the superintendent of the banking department is hereby authorized and empowered, at the expense of said association, to cause the plates of the same to be altered to correspond with the change hereby made in the name thereof, or to cause the present plates to be destroyed and new ones engraved, as the said association may elect, and also to deliver to said association bills from the altered or new plates, in exchange for those from the plates now held by him, to any amount which may be surrendered by the said association.

Superintendent of bank department to cause plates to be altered or destroyed.

§ 4. The securities now held by the superintendent of the banking department for the Niagara River Bank, shall be in no way affected by any change of location or name which may be made thereby under this act, but the same shall be held by him to secure, according to law, all bills issued, or which may be issued, to said association by either of the above names.

Securities now held by superintendent of bank department not to be affected by change of name and location.

§ 5. Nothing herein contained shall operate or be construed so as to permit the said association to change its place of business, or to change its name, unless it shall so change its location and place of business within one year from the passage of this act; nor shall anything herein contained be construed to release its then present or former stockholders from any personal liability which may exist against them at the time of such removal and change of name, in case such removal and change of

Stockholders not to be released from liability.

name shall take place, nor in any manner to impair or affect such liability.

May con-
tinue office
in Buffalo
for one year.

§ 6. Said banking association, after such change shall have been made, may continue an office in the city of Buffalo, for the purpose of receiving payment of existing debts and making payment of existing liabilities, for a period not exceeding one year; provided, however, that nothing herein contained shall make it obligatory upon such association to continue such office at the city of Buffalo after such change of the place of business of said association shall have been made.

§ 7. This act shall take effect immediately.

Chap. 85.

AN ACT to amend an act entitled "An act to incorporate the Genesee Camp Ground Association," passed April sixth, eighteen hundred and fifty-seven, being chapter two hundred and fifty-two of the Session Laws of eighteen hundred and fifty-seven.

Passed March 31, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section third of said act is hereby amended so as to read as follows:

§ 3. The said corporation may acquire, take and hold a lot or tract of land not exceeding thirty acres, which land when acquired by said corporation, shall be used exclusively as a camp ground, for the purpose of holding religious meetings, as the corporation may determine.

Chap. 86.

AN ACT to amend an act entitled "An act to authorize the raising an additional sum of money for the erection of bridges in the town of Phelps, in the county of Ontario," passed April 4th, 1831.

Passed April 1, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to authorize the raising an additional sum of money for the erection of bridges in the town of Phelps, in the county of Ontario," passed April fourth, eighteen hundred and thirty-one, is hereby amended by striking out the words "five hundred," in said section, and inserting "two thousand" instead thereof.

§ 2. This act shall take effect immediately.

Chap. 87.

AN ACT to revive and extend "An act to provide for the laying out and constructing a road from Parishville to Long Lake," passed March twenty-third, eighteen hundred and fifty-three, and the several acts amendatory thereof.

Passed April 1, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter forty-eight of the laws of one thousand eight hundred and fifty-three, entitled "An act to provide for the laying out and constructing a road from Parishville to Long Lake," passed March twenty-third, eighteen hundred and fifty-three, and the several acts amendatory thereof, are hereby revived and extended for the term of six years from and after the twenty-third day of March, one thousand eight hundred and fifty-nine.

Chap. 88.

AN ACT to provide for the examination of the survey of the extension of the Chenango canal to the Pennsylvania state line near Athens.

Passed April 1, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The state engineer and surveyor is hereby required to make a full examination of the survey of the Chenango canal, from Binghamton to the state line of Pennsylvania, near Athens, made in pursuance of the act of April eighteenth, eighteen hundred and thirty-eight, and reported to the canal commissioners by Joseph D. Allen, civil engineer, December fifth, eighteen hundred and thirty-eight, and if necessary, to cause a new survey to be made, and to estimate the cost of constructing said canal, including land damages, and the probable increase of business on the canals of this state from such extension (from coal or other freight), and report the same to the next legislature at the opening of the session thereof.

§ 2. The sum of five thousand dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the expense of said survey, to be repaid to the general fund from the tax to be levied in the year eighteen hundred and fifty-nine for canal purposes; but the expenditure under this act shall in no case exceed the sum of five thousand dollars.

Chap. 89.

AN ACT for the protection of the proprietor or proprietors of Hugg Town pond, in Spencer, Tioga county, in the production and preservation of fish in said pond.

Passed April 1, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be unlawful for any person to fish, or to take any fish by any means whatsoever, out of the waters of the Hugg Town pond, so called, or out of the waters of the proprietors thereof, running into said pond, situate in Spencer, in the county of Tioga and state of New York, without the previous consent of the proprietor or proprietors thereof.

§ 2. Whoever shall intentionally violate the preceding section, shall forfeit and pay to the proprietor or proprietors of said pond, the sum of five dollars for the first violation, and ten dollars for each and every violation after the first, to be recoverable in any action before any justice of the peace in the counties of Tioga or Tompkins, in the names of the person or persons who are or shall be, for the time being, proprietors of said pond ; and the several justices of the peace of the said counties of Tioga and Tompkins, are hereby respectively authorized and empowered to entertain and try all such actions, with or without a jury, as in ordinary actions.

§ 3 This act shall take effect on the first day of July next, and prior thereto a copy of this act, duly certified, shall be published for four weeks, in two public newspapers printed within the said county of Tioga, and one paper in the county of Tompkins, the charges for which printing shall be paid by the proprietor or proprietors of said pond.

Chap. 90.

AN ACT to enable the supervisor of Lowville, the president of the board of trustees of Lowville Academy, and the town clerk of the town of Lowville, to take and hold title to certain premises in Lowville, upon trust.

Passed April 1, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Lowville, and his successor in office, the president of the board of trustees of Lowville academy, and his successor in office, and the town clerk of the town of Lowville, and his successors in office, are hereby constituted and appointed trustees of certain premises in the town of Lowville in the county of Lewis, upon which has been erected a building to be used as a town-house, and are empowered and authorized to take the title thereof and to hold the same upon the following trusts:

1. For the use of the electors of the town of Lowville, to use the public room in said building when occasion requires as a town-house.

2. To convey the said premises to the county of Lewis, or its board of supervisors, for a court-house and public offices whenever courts of record shall be authorized to be held in Lowville aforesaid, subject nevertheless to the use of the same as aforesaid, by the electors of said town.

§ 2. The supreme court is hereby authorized to supply any vacancy or vacancies that may happen in the number of trustees mentioned in section one, upon the application of the remaining trustees or a majority of the donors then living in Lowville aforesaid.

§ 3. Said lot and building shall be exempt from taxation so long as the same shall be used for the purposes aforesaid.

§ 4. This act shall take effect immediately.

Chap. 91.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts relative to the village of Athens," passed the sixteenth day of April, 1857.

Passed April 1, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The second section of the act entitled "An act to amend and consolidate the several acts relative to the village of Athens," passed April sixteenth, eighteen hundred and fifty-seven, is hereby amended so that the same shall read as follows :

Act of 1857,
amended.

§ 2. The officers of said village shall be five trustees, one of whom shall be president of said village, three assessors, one treasurer, one clerk, one collector, two overseers of highways, one pound master, and as many fire wardens as the trustees shall from time to time appoint. The trustees, assessors, treasurer, clerk and collector shall be elected by ballot, at the annual meeting in said village for the election of officers, and shall hold their respective offices until the next annual meeting for the election of village officers, and until their successors are duly notified. The overseers of highways, pound master and fire wardens shall be appointed by the trustees, and shall hold their respective offices during their pleasure. The trustees shall at all times, act as fire wardens of said village.

Officers of
village.

§ 2. Section eight of the same act is hereby amended by adding at the end of said section the following words: "And when such assessment is completed, which shall be on or before the first day of May in each year, such tax shall be collected in the same manner as directed for the collection of taxes in sections fourteen, twenty-five and twenty-six of this act."

§ 8 amend-
ed.
Manner of
collecting
tax.

§ 3. Section fourteen of the same act is hereby amended so as to read as follows :

§ 14 amend-
ed.

§ 14. All taxes raised in said village, shall be assessed and collected in conformity, as far as practicable, and

Taxes to be
collected in
conformity

with exist-
ing provi-
sions of law.

when not otherwise provided in this act, with the provisions of law in respect to the assessments and collection of taxes by town assessors and collectors.

§ 15 amend-
ed.

§ 4. Section fifteen of the same act is hereby amended so as to read as follows :

Money
raised for a
specific pur-
pose must
be applied
thereto.

§ 15. Whenever money shall be raised by tax in said village, for any specific purpose, it shall not be applied to any other purpose (if the same exceeds the sum of one hundred dollars), without such a vote directing such application as was required to authorize the raising thereof; nor shall any money belonging to said village, derived from other sources than such tax, be applied to any purpose whatever, without such a vote directing its specific application, except the sum of two hundred dollars annually for the contingent expenses of said village, as provided by section twenty-two, nor shall any money belonging to said village, whether raised by tax or derived from other sources than such tax, be expended for any purpose outside of the corporate limits of said village.

§ 19 amend-
ed.

§ 5. Section nineteen of the same act, is hereby amended so as to read as follows :

Trustees
forbid to al-
low any ille-
gal accounts

§ 19. No trustees shall allow or subscribe a certificate of the allowing of any items in any account or claim against said village, which said village shall not be legally bound to pay; nor shall any trustee sign any warrant for the payment of such account or claim, from any fund from which such account or claim, or any part thereof, shall not be payable.

§ 23 amend-
ed.

§ 6. Section twenty-three of the same act, is hereby amended so as to read as follows :

Village offi-
cers shall
not incur
debts.

§ 23. No officer of said village shall have power to assent to incurring any debt or liability on the part of said village, contrary to the provisions of this act, nor shall any such debt or liability be paid from the money or property of said village; but all such officers, willfully and knowingly assenting or assuming to assent to any such debt or liability, contrary to the provisions of this act, shall be jointly and severally liable in their individual capacity to pay the same.

§ 24 amend-
ed.

§ 7. Section twenty-four of the same act, is hereby amended by adding to the end of said section, the following words: "Including all real estate lying within the

boundary lines of said village, but excluding all real estate lying without said boundary lines."

§ 8. Subdivision twelve, of section forty-three of said act is hereby amended so as to read as follows :

Subdivision
12, § 43
amended.

"§ 12. To provide for, erect and maintain a public pound in said village, to audit every claim of the pound master for fees and compensation in respect to animals found going at large, and to hear and determine any application of the owner of any such animals, for a remission of the penalty incurred by their so going at large, and to publish, and post in six of the most public places in said village, a copy of the forty-fifth section of said act as hereby amended, on or before the first day of April, in each and every year."

Public
pounds to
be main-
tained.

§ 9. Section forty-four of the same act is hereby amended by striking out subdivision one of said section, and inserting in the place thereof the following words :

"1. To prevent dogs from running at large in said village, under a penalty not exceeding ten dollars, and when public safety requires it, to provide for the destruction of such animals so found going at large."

Dogs may
be prohib-
ited running
at large.

§ 10. Section forty-five of said act is hereby amended by adding to said section, and before the first line thereof, the following words :

§ 45 amend-
ed.

§ 45. No horses, cattle, swine, sheep or geese, shall be permitted to run at large or stray in or upon any street, alley or highway in said village, under a penalty of one dollar for each every such animal found running at large, and every such animal so going at large shall be liable to be distrained, impounded and sold, as provided in the act entitled "An act to provide for the incorporation of villages," passed December seven, eighteen hundred and forty-seven, and the owner of any such animal shall be liable for such penalty, which may be sued for, and recovered with costs, in the corporate name, and for the use of said village, and

Horses, cat-
tle, sheep,
&c., not to
be allowed
to run at
large.

§ 11. Section fifty-one of the same act is hereby amended by adding at the end of said section the following words :

§ 51 amend-
ed.

Subject at all times to the orders, and under the direction of the board of trustees.

§ 12. Section fifty-two of the same act is hereby amended so as to read as follows :

§ 52 amend-
ed.

§ 52. It shall be the duty of the president, or in his absence one of the trustees which shall be designated by a majority of the board, to be present at all fires of buildings, and take the command of the fire companies, and the general control of the apparatus for extinguishing such fires.

§ 53 amend-
ed.

§ 13. Section fifty-three of the same act is hereby amended by striking out the words "twenty-five," and inserting in the place thereof, the word "forty."

§ 14. This act shall take effect immediately.

Chap. 92.

AN ACT providing for copying the books of record when necessary, in the office of the clerk of the county of Franklin.

Passed April 1, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever any of the dockets of judgments, or books of record of judgments, deeds or mortgages, or any other book of record in the office of the clerk of the county of Franklin, become worn, mutilated, injured or defaced, so that they cannot be conveniently examined, and the board of supervisors of said county shall authorize them to be copied, the said copies, when certified by the said clerk to be correct copies of the originals, and that the said board of supervisors had authorized such copies to be made, shall have the validity of the said originals.

§ 2. This act shall take effect immediately.

Chap. 93.

AN ACT to confirm the proceedings of the board of supervisors of the county of Franklin in the erection of the town of Brighton, in said county.

Passed April 1, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The proceedings of the board of supervisors of the county of Franklin, at their annual session in November, one thousand eight hundred and fifty-eight, in the erection of the town of Brighton, in said county, are hereby declared in all respects to be legal, regular, and of binding force.

§ 2. This act shall take effect immediately.

Chap. 94.

AN ACT to reduce the capital stock of the Cayuga and Susquehanna Railroad Company.

Passed April 1, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of directors of the Cayuga and Susquehanna Railroad Company are hereby authorized and empowered to reduce the capital stock of the Cayuga and Susquehanna Railroad Company from the present par value of sixty dollars per share to the par value of thirty dollars per share ; provided, however, that the written consent of stockholders representing two-thirds of the whole amount of the said capital stock can be first obtained to such reduction.

§ 2. Whenever the consent of the stockholders shall have been obtained, the said board of directors are hereby authorized and empowered to call in and cancel

the certificates of stock now outstanding, and to issue in lieu thereof new certificates of stock in conformity with said reduction.

§ 3. The preceding sections shall not be construed to authorize the holders of the convertible bonds of the company to convert the same into such reduced stock, for more than fifty per cent on the par value of said bonds.

Chap. 95.

AN ACT to authorize and require the trustees of the village of Potsdam to raise by tax moneys to purchase a fire engine, and for other purposes, for the fire department in said village, and to anticipate said tax by a loan.

Passed April 2, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Tax may be
assessed
and col-
lected.

SECTION 1. The trustees of the village of Potsdam, are hereby authorized and required to raise by tax, to be assessed and collected in the same manner as other corporation taxes in said village, upon the taxable inhabitants, corporations and property within said village, the sum of five hundred and thirty-four dollars, in the year eighteen hundred and fifty-nine, and the further sum of five hundred and thirty-three dollars, in the year eighteen hundred and sixty; and the further sum of five hundred and thirty-three dollars, in the year eighteen hundred and sixty-one, to be paid to and received by the treasurer of said village, where collected and expended upon the order of said trustees, in the purchase of a fire engine, hose, or other apparatus for the use of the fire department of said village, and for repairing the fire engines, and other fire apparatus now belonging to said village, in such manner as to them shall seem proper, or for the payment of a loan hereby contemplated for that purpose.

§ 2. The said trustees are hereby authorized and empowered, in their discretion, to anticipate the amount so to be raised by said tax, by a loan upon the credit of said corporation, payable upon the receipt of said taxes. The amount of such credit so to be pledged, shall not, including the interest upon said loan, exceed the sum of sixteen hundred dollars. The avails of said loan to be expended by said trustees in the manner hereinbefore provided.

§ 3. This act shall take effect immediately.

Chap. 96.

AN ACT to authorize the "Whiteport Plank Road Company," to change the route of such road at certain points, and also to lay an iron track for certain uses, along their plank way.

Passed April 2, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Company known and designated as the "Whiteport Plank Road Company," organized in the county of Ulster, in eighteen hundred and fifty-one, are hereby authorized, in their discretion, to change, modify and vary the line or route of the plank road, or any part thereof, known as the Whiteport plank road, located in the towns of Kingston and Rosendale, in said county, commencing at or near a village called Whiteport, in Rosendale, and terminating at a point on tide water, at the Rondout creek in Kingston, in such manner as they may deem advisable to straighten it or to improve its grade; and for such purposes the said company are authorized and empowered to excavate and remove the earth, soil and obstructions which they may deem necessary or proper to remove in order to make, grade or improve their road.

Route of road may be changed.

SECTION 2. The said company are further hereby authorized to lay an iron rail track on the route of their said

Iron rail track for cars pro-

propelled by
horse power,
only,
may be laid.

road and alongside the plank track thereof, for cars to be drawn or propelled by horse power only, in such a manner as not to interfere with the public travel, and leaving sufficient room for teams to pass freely, to be used by persons, companies or corporations, under a special agreement with the said company for the use thereof.

Maps of
roads shall
be made
and filed.

SECTION 3. Before the said company shall change the route of their said road, as hereinbefore mentioned, they shall make or cause to be made, two maps of the said road, where the route thereof shall diverge from the present route, and cause one of said maps to be filed in the office of the clerk of the county of Ulster, and the other in the office of the secretary of state.

Land, if
necessary,
may be
taken, how;
and how
compensated
for.

SECTION 4. In the event that a proposed change or deviation from the present established route shall render it necessary to obtain the possession of any land for the purpose of the contemplated improvement, the said company are hereby authorized, after making compensation therefor, in the manner prescribed in the general plank road act, passed May seventh, eighteen hundred and forty-seven, to take possession of the same, for the purposes of said road.

Road shall
not be run
through
cultivated
gardens,
orchards,
&c.

SECTION 5. Nothing in this act contained shall be construed to authorize the said company to change the route of their proposed road so as to pass through a cultivated garden or orchard, unless by and with the consent of the owner of the same, nor through any dwelling-house or buildings connected therewith; nor shall it be construed as authorizing the bridging of any navigable stream.

SECTION 6. This act shall take effect immediately.

Chap. 97

AN ACT to increase the number of justices of the peace in the city of Oswego, and to regulate their election.

Passed April 2, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In addition to the two justices of the peace in the city of Oswego now provided for by law, there shall be elected at the next charter election to be held in said city, on the first Tuesday of March, in the year eighteen hundred and sixty, two justices of the peace, one of whom shall reside and keep his office on the east side of the Oswego river, and the other of whom shall reside and keep his office on the west side of the Oswego river. The justice elected upon the east side of the Oswego river shall enter upon the duties of his office immediately after his election, and his term of office shall expire on the last day of December, eighteen hundred and sixty-one, and the justice elected upon the west side of the Oswego river, shall enter upon the duties of his office immediately after his election, and his term of office shall expire on the last day of December, eighteen hundred and sixty-three.

Two additional justices to be elected, one on each side of Oswego river.

§ 2. From and after the last day of December, in the year eighteen hundred and sixty, there shall be four justices of the peace in the city of Oswego, two of whom shall reside and keep their offices on the east side of the Oswego river, and two of whom shall reside and keep their offices on the west side of the Oswego river. Thereafter, at each annual charter election in said city, one justice of the peace shall be elected, who shall enter upon the duties of his office on the first day of January succeeding his election, and shall hold his office for four years.

There shall hereafter be town justices of the peace elected in said city.

§ 3. All acts and parts of acts inconsistent herewith, are hereby repealed.

Acts inconsistent repealed.

§ 4. This act shall take effect immediately.

Chap. 98.

AN ACT to amend the act entitled "An act to incorporate the village of Cleveland, Oswego county," passed April fifteenth, eighteen hundred and fifty-seven.

Passed April 2, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Village may purchase and hold land for cemetery.

SECTION 1. The village of Cleveland shall have power, and is hereby authorized to purchase and hold in the name of said corporation, and within two miles of said village, any quantity of land, not exceeding ten acres, to be held and occupied exclusively for a cemetery, for the burial of the dead, and shall be known and distinguished as the Cleveland cemetery.

Lands to be subdivided in lots, &c., which shall be sold.

§ 2. It shall be the duty of the village board, as early as practicable, to select the proper site, and purchase the requisite quantity of land, and to take a title of the same, in the name of the village of Cleveland, and to cause such land, or such parts thereof as may, from time to time, be required for that purpose, to be surveyed and subdivided into lots or plats, of such size as the said board may, by resolution, direct, with such avenues, paths, alleys and walks as may be deemed proper, and a map or maps of such surveys shall be filed in the office of the clerk of said village ; and after the filing of such map, the board may sell and convey the lots or plots designated upon such map, upon such terms as shall be agreed, and subject to such conditions and restrictions, to be inserted in or annexed to the conveyances, as the board shall prescribe. The conveyances to be executed by the president and trustees, or a majority of them, under their hands and seals, or the corporate seal of said village, which said conveyance shall be obligatory and binding upon the said village of Cleveland.

Village board may levy purchase price

§ 3. The said village board are hereby authorized to levy and collect one-half of the purchase price of said grounds, upon the taxable property of said village, in the

same manner that other taxes are assessed and collected (except that no vote of the taxable inhabitants will be requisite to the validity of such assessment), which moneys, when collected, with all the moneys arising from the sale of lots, shall be and remain a separate fund in the hands of the treasurer, denominated the cemetery fund, and shall not be used for the purpose of defraying the general expenses of said village, but shall be appropriated and used exclusively for the payment for and improvement of said lands; except that, after the purchase of said land, and the sale of said lots as aforesaid, there shall be a surplus on hand, after paying the remaining half of the purchase money, and all necessary expenses in improving said grounds and otherwise. The said board are hereby authorized to draw from said fund, from time to time, such surplus and use the same in defraying the general expenses of said village, until they shall have drawn the amounts collected as aforesaid, and the interest thereon, from the time of said collection.

of said land
on taxable
property
of village.

§ 4. The act entitled "An act authorizing the incorporation of rural cemetery association," passed April twenty-seventh, eighteen hundred and forty-seven, and the several acts amending the same, are hereby declared applicable, so far as the same are consistent with and necessary to the carrying out of the provisions of this act.

Act of 1847
made appli-
cable to said
cemetery.

§ 5. It shall be lawful for the village board to purchase or erect upon suitable grounds, within the limits of said village, a jail or lock-up, in and for said village, the expenses of which shall not exceed fifteen hundred dollars; in the purchase of which, the said board are hereby authorized to purchase upon such terms, as to credit and otherwise, as they may deem advisable, and to receive a deed therefor, in the name of the village of Cleveland, and to execute a mortgage thereon, to secure the purchase money, which shall be obligatory and binding upon the village of Cleveland; which said sum may be paid in two or more annual installments to be raised by tax, in the same manner of other taxes (except that the board shall have power to levy said tax without the vote of the inhabitants of said village); and which said tax may be levied and collected at any time the board may deem advisable; but there shall be but one tax for the purpose aforesaid, collected in any one official year.

Jail or lock-
up may be
erected.

Keeper of
same to be
appointed.

§ 6. The said board shall also have the power to appoint a keeper for said jail, and provide for his compensation, and for the necessities of those confined therein. The said jailer shall possess the same powers as other keepers of any common jail of Oswego county; and any court or officer of the town of Constantia, having jurisdiction, may commit persons charged or convicted of crime to the said village jail, in the same cases in which such court or officer might be authorized by law to commit such person to the common jail of the county aforesaid, except that no person shall be committed to such village jail, to await the action of the grand jury upon his case.

Offenders
committed
thereto may
be sentenced
to hard
labor, and
set to work
on the
streets of
said village.

§ 7. In cases where such court or officer may commit such offenders to said village jail, upon convictions, the same may be sentenced to hard labor, and for that purpose the village jail shall be work-house or penitentiary, and all persons sentenced thereto at hard labor, may be taken out and compelled to work on the streets, sidewalks and public grounds of said village, under the direction of the village board, or of any person appointed by said board for that purpose.

Expenses of
such lock-
up, to be a
county
charge.

§ 8. The expenses incident to such village jail shall be audited and paid by the county of Oswego, except such as shall be incurred under the ordinances of said village, or in the working of the persons aforesaid, in which cases the same shall be paid by said village.

Qualifica-
tions of
voters.

§ 9. No person shall be allowed to vote at any election of officers in said village, or at any election called by the village board, unless, in addition to the qualifications mentioned in section two of said act (hereby amended), he also possesses the qualifications mentioned in section twenty-nine of said act.

§ 10. This act shall take effect immediately.

Chap. 99.

AN ACT to amend an act entitled "An act to incorporate the village of Port Jackson, in the county of Montgomery," under an act passed December seventh, eighteen hundred and forty-seven.

Passed April 2, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. An election of trustees and other officers of the village of Port Jackson in the county of Montgomery shall be held on the second Tuesday of April at two o'clock, P. M., eighteen hundred and fifty-nine, subject to the provisions of the act entitled "An act to provide for the incorporation of villages," passed December seventh, one thousand eight hundred and forty-seven, relative to the election of trustees and other officers of villages incorporated under and by the provisions of said act, except so much of said act as require the said election to be held on the first Tuesday of March, and a notice of three weeks prior to such election; said election shall be held at the house of E. W. McDonald, and at which election Francis Gilliland, Thompson Close, J. J. Gray, S. A. Lewis and William McClary, or a major part of them, shall be inspectors, and hold and conduct the same and canvass the votes given thereat, and declare the result in the manner prescribed in said act for other elections; said inspectors shall appoint a clerk of such election who shall keep a poll list, and make accurate minutes of the proceedings of such election of the officers elected thereat, and enter the same in a book to be provided for that purpose.

Election of trustees and other officers to be held.

§ 2. The village of Port Jackson, in the county of Montgomery, is hereby constituted a road district, subject to be subdivided by the trustees of said village, and the same shall be exempt from the superintendence of the commissioners of highways of the town of Florida; and the said trustees shall have all the powers over said dis-

Village constituted a separate road district

trict, and discharge all the duties which, by law, are given to and enjoined upon said commissioners of highways; and every person who shall be assessed for poll tax, and who is not assessed for any property, shall work the same out on the highway and streets in said village, at fifty cents per day, unless he shall pay into the treasury the amount so assessed.

Overseers
of highways
may be
appointed
by trustees.

§ 3. It is hereby declared lawful for the trustees of said village of Port Jackson to appoint, by warrant in writing, an overseer of highways for each and every subdivision in said district that shall be laid by them; which overseers shall have all the power and perform all the duties, in their several districts and subdivisions, which by law are given to and enjoined upon other overseers of highways, giving in their lists, and being accountable to said trustees, in the same manner that other overseers of highways are bound by law to do, to the town clerk, and to the commissioners of highways.

§ 4. This act shall take effect immediately.

Chap. 100.

AN ACT to amend the charter of the Sing Sing Savings Bank.

Passed April 2, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 6, of act
of 1854,
amended.

SECTION 1. Section sixth of the act to incorporate the Sing Sing Savings Bank, passed March ninth, one thousand eight hundred and fifty-four, is hereby amended so as to read as follows:

General
business
and powers
of corpora-
tion.

§ 6. The general business and object of the corporation hereby created shall be, to receive on deposit such sums of money as may be from time to time offered, and to invest the same in the securities or stocks of this state or of the United States, or in the stocks or bonds of any city authorized to be issued by the legislature of this

state, or in such other manner as is authorized by this act, or to loan the same on the security of the said stocks or bonds, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive on deposit all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of three thousand dollars from any individual, which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositor when required, at such times, with such interest, and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice-president or trustee, officer or servant of said corporation, shall directly or indirectly borrow the funds of said corporation, or its deposits, or in any manner use the same or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit, made by the proper officer of such corporation, shall be as binding on such corporation as if they were made under its common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses. No money deposited in the said bank shall be invested, except in the securities of stocks mentioned in this section, in opposition to the vote of any three trustees; but money may be loaned by it on unincumbered real estate, worth at least double the amount to be secured thereby over and above the value of any buildings thereon. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower; and all the expense of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all

Money of corporation not to be borrowed by officers of village.

sums received by them beyond an available fund of not exceeding forty thousand dollars, at the discretion of the said trustees, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct.

§ 2. This act shall take effect immediately.

Chap. 101.

AN ACT to alter the map of the city of New York, by laying out thereon a public place, and to authorize the taking of the same.

Passed April 2, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Certain lands declared to be a public place.

SECTION 1. All that piece or parcel of land situate, lying and being in the twelfth ward of the city of New York, bounded southerly by the southerly side of One Hundred and Sixth street; northerly by One Hundred and Tenth street; easterly by the Fifth avenue, and westerly by the Eighth avenue, is hereby declared to be a public place, in like manner as if the same had been laid out by the commissioners appointed in and by the act of the legislature of the state of New York, entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April third, eighteen hundred and seven.

Commissioners of Central Park may acquire title thereto and how.

§ 2. The board of commissioners of the Central Park, for and in behalf of the mayor, aldermen and commonalty of the city of New York, are authorized to acquire title to the said piece or parcel of land, for public use, as and for a public square, pursuant to the act entitled "An act to reduce several laws relating particularly to the city of New York, into one act," passed April ninth, eighteen hundred and thirteen, and the several acts amendatory thereto, or such portions thereof as are now in force, so

far as the same are applicable to the laying out and taking of public squares and places in the city of New York (except as hereinafter provided), and all such portions of the said act and of the said several acts amendatory thereto, as are applicable to the laying out and taking of public squares and places in said city, and as are now in force, shall apply to the taking and laying out of the piece of land above described, as and for a public square, in the same manner and to the same extent as if the said piece of land had been originally laid down as and for a public square, upon the map or plan aforesaid, of said city, except as hereinafter provided.

§ 3. The said board of commissioners, in the name of the mayor, aldermen and commonalty of the city of New York, may present a petition to the supreme court, at any general or special term thereof, held in the first judicial district, praying for the appointment of commissioners of appraisal; such petition shall be signed by any one of the officers of the said board of commissioners of the Central Park; and said board of commissioners of the Central Park may do all acts and things in and about the taking of said piece or parcel of land, and in and about the applying for the appointment of commissioners to take the same, and all proceedings subsequent thereto, under and by virtue of the provisions of the last mentioned act, that the said mayor, aldermen and commonalty might or could do.

Board of commissioners may present a petition to supreme court, for appointment of commissioners of appraisal.

§ 4. A notice of the presentation of the application to the supreme court, by said board of commissioners, shall be given to the owners, lessees, parties and persons, respectively entitled unto or interested in the lands and premises mentioned in the first section of this act, by advertisement in four of the public newspapers having a large daily circulation in the city of New York, which shall be published daily, not less than thirty days; such notice shall specify the time and place where and when an application will be made for appointment of commissioners of appraisal of the said piece or parcel of land, and the extent of the land proposed to be taken.

Notice of such application shall be given by advertisement in newspapers.

§ 5. The said board of commissioners of the Central Park, may, at the time and place of moving for the appointment of such commissioners of appraisal, propose to the court the names of three suitable persons, and the

Commissioners may propose names of persons for appraisers.

owners, lessees and parties and persons respectively entitled unto or interested in said premises, may likewise propose the names of three suitable persons as commissioners of appraisal; and an appeal to the general term may be taken from the order of the special term appointing the commissioners of appraisal.

Commissioners of appraisal may allow damages for buildings taken.

§ 6. The said commissioners to be appointed by the supreme court under the provisions of the last mentioned act, may allow compensation for any building or buildings upon the said piece or parcel of land, which may have been built, placed or erected thereon, after the time of the filing of the original maps or plans of said city.

Payment of damages when to become due.

§ 7. Payment of the damages awarded by the said commissioners, shall be made and become due and payable immediately upon the confirmation of the report of the said commissioners in the premises.

Commissioners not to be interested in certain real estate.

§ 8. No person shall be appointed a commissioner of appraisal, who shall be an owner of or pecuniarily interested, directly or indirectly, in land in the city of New York, above Forty-second street.

Benefits may be assessed.

§ 9. For the payment of so much of the damages awarded by the commissioners of estimate and assessment, and the expenses, disbursements and charges in the premises, as shall exceed the amounts or sums that may be assessed by the said commissioners, upon the parties and persons, lands and tenements, deemed by them benefited by the opening of such public place, it shall be lawful for the said mayor, aldermen and commonalty to raise the amount of such excess by loan, by the creation of a public fund or stock, to be called and known as "the Central Park additional fund," which shall bear an interest not exceeding six per centum per annum, and shall be redeemable within a period of time not exceeding forty-five years after the passage of this act, and for the payment of which the said piece of land so as aforesaid to be taken, shall be irrevocably pledged.

Mayor, &c., to sell stock.

§ 10. It shall be lawful for the said mayor, aldermen and commonalty to determine what shall be the nominal amount or value of each share of the said fund or stock, of what number of shares the same shall consist; and they are hereby authorized to sell and dispose of such shares at public auction or at private sale, or by subscription for such stock, and on such terms as they shall think proper; said stock shall not be sold at less than its par value.

§ 11. In order to pay the interest upon the said stock hereby authorized, the board of supervisors of the city and county of New York are hereby authorized and empowered to order and cause to be raised by tax on the estates, real and personal, subject to taxation according to law, within said city and county, and to be collected in addition to the ordinary taxes yearly, and every year, until the whole amount of said stock be paid, a sum of money sufficient to pay the interest annually accruing on said stock.

Interest on stock to be raised by tax.

§ 12. The provisions of an act entitled "An act to regulate the finances of the city of New York," passed June eighth, eighteen hundred and twelve, which are not repugnant to or incompatible with any provisions in this act contained, shall apply to said stock.

Act of 1812, made applicable.

§ 13. The said public place, when taken as hereinbefore provided, shall with the piece or parcel of land mentioned in the first section of an act entitled "An act for the regulation and government of the Central Park in the city of New York," passed April seventeenth, eighteen hundred and fifty-seven, form and be "The Central Park," and shall, as to its laying out, control and management, be subject to all the provisions of said last mentioned act, and any acts amendatory thereof, or in addition thereto, and shall be under the exclusive control and management of the board of commissioners created thereby.

Said place to be a part of the Central Park, and be subject to the provisions of the act of 1857.

§ 14. This act shall take effect immediately.

Chap. 102.

AN ACT to amend the act entitled "An act to combine into one act the several acts relating to the city of Albany," passed April twelfth, eighteen hundred and forty-two.

Passed April 2, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirty-two of the act entitled "An act to combine into one act the several acts relating to

§ 32 amended.

the city of Albany," passed April twelfth, eighteen hundred and forty-two, is hereby amended by the addition thereto of the words following, viz.: "In all prosecutions under this section the husband or wife of the party complained of shall be a competent witness."

§ 29 amend-
ed.

SECTION 2. Section twenty-nine of the said act is hereby amended by the addition thereto of the words following, viz.: "Any person may appear and prosecute for any violation of the ordinances of said city without the authority of the chamberlain of said city, but it shall be lawful for the mayor or chamberlain thereof to direct and cause any such suit to be discontinued at their pleasure. No bail to the limits shall be taken upon any execution issued upon any judgment given for a violation of any of such ordinances, but the court before which the judgment was obtained shall have power, on a good cause shown, to release and cancel said judgment."

SECTION 3. This act shall take effect immediately.

Chap. 103.

AN ACT for the relief of Stephen H. Keeler.

Passed April 2, 1859; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Stephen H. Keeler, of Kortright, Delaware county, is hereby released and discharged from all liability on a judgment obtained against him in the supreme court in favor of the people of the state of New York, for costs in the sum of two hundred and twenty-five dollars and sixty-six cents, and perfected on the eighth day of July, eighteen hundred and fifty-eight, and said Keeler shall be paid out of the treasury the sum of one hundred and eighty dollars for his costs and disbursements in defending the action brought against him by the attorney-general in which said judgment was obtained.

§ 2. All legal proceedings had before the said Keeler, as justice of the peace, from the twenty-eighth day of July, eighteen hundred and fifty-five, to the first day of January, eighteen hundred and fifty-seven, are hereby declared valid and effectual; but this section of this act shall not affect any suit commenced.

§ 3. This act shall take effect immediately.

Chap. 104.

AN ACT for the construction of a road from the town of Osceola, in the county of Lewis, to the town of Martinsburgh, in said county.

Passed April 2, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Seymour Green and Diodate Pease, of Lewis county, are hereby appointed commissioners to lay out and construct a road, commencing at or near the corners of lots number twenty-two, twenty-three, thirty-eight and thirty-nine, in thirteenth township of the Boylston purchase, in said Lewis county, and is to run thence northerly until it reaches some point where it will intersect with some road already laid out and opened, leading to Martinsburgh village, the county seat of said Lewis county; and also to claim and receive from the commissioners of highways of the several towns, for five years from the first day of February, eighteen hundred and fifty-nine, all the non-resident highway labor assessed by said commissioners of highways on the lands of non-residents, in the said towns through which this said road may pass, reserving from the effects of this bill the non-resident highway tax on all non-resident lands situate within one and a half miles of any road already laid out and recorded in the several towns in which said road may pass through.

Commissioners appointed, and course of roads defined.

§ 2. The said commissioners shall receive two dollars per day for their services while actually engaged in sur-

Compensation of commissioners.

veying and laying out and constructing said road (not exceeding fifteen days in any one year), to be paid and collected from the several towns through which the said road may pass, in the same manner as other town expenses are paid; and the said commissioners are also constituted overseers of highways on said road, with the same powers and duties of overseers of highways; and they shall render the same account and returns to the commissioners of the highways of the several towns, and be subject to the same penalties for any neglect of duty, the same as any overseers of highways are subject to.

§ 3. This act shall take effect immediately.

Chap. 105.

AN ACT enlarging the powers of the board of education of the village of Ogdensburgh.

Passed April 2, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of education authorized to complete rooms for school-houses, and to rent others.

SECTION 1. The board of education of the village of Ogdensburgh are hereby authorized to complete all or any of the unfinished rooms in the school-houses in said village which they may deem necessary, or to rent others or repair or insure said school-houses, and to provide the same with suitable furniture. They shall estimate the expense thereof and on or before the first day of April thereafter of each year shall certify the amount of such estimate to the board of trustees of said village, and thereupon it shall be the duty of said trustees to report the same to an annual meeting, or to a special meeting of the inhabitants of said village, who are liable to pay taxes for school purposes, and if a vote of a majority of persons attending said meeting be in favor of said tax, it shall be the duty of the trustees of said village to assess the amount of such estimate upon the taxable property in the consolidated school district, to be collected with the general

tax; but no such tax shall be raised by vote of a special meeting, unless it shall have been stated in the notice calling such special meeting, that a tax is to be voted upon, and the amount to be raised and for what purpose. The money so raised shall be paid to the treasurer of the village, in a "special fund," to the credit of the board of education, and shall be expended only for the purpose of completing and furnishing the school rooms as aforesaid, except as hereinafter provided, and shall be accounted for in the same manner as other moneys paid out by the board of education are by law accounted for.

§ 2. In case the sum estimated and raised as above provided, shall be insufficient to complete, repair, insure or rent, and furnish the school rooms as aforesaid, the board of education shall certify to the trustees the amount of the deficiency, and the trustees shall levy the amount thereof along with the next general tax upon the consolidated school district. And in case there shall remain a surplus, the amount thereof shall be certified to the trustees, and the sum shall be abated from the next general tax upon said district, and thereupon the amount of such surplus may be transferred from the special fund to the "teachers" or "general school fund," and be subject to the order of the board of education for the purposes for which those funds are raised respectively.

Expenses to be provided for, and how.

§ 3. The trustees of said village, in their discretion, may assess one-half the sum estimated, as provided in the first section of this act to be collected the first year; and the balance of the actual expense may be borrowed, or a liability by contract incurred, and the amount thereof, with interest, shall be collected the following year.

Trustees may assess part of sum needed, and borrow the balance

§ 4. This act shall take effect immediately.

Chap. 106.

AN ACT to amend an act incorporating the village of Ellicottville.

Passed April 2, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Time of
electing
officers.

SECTION 1. Section twenty-four of the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, as far as relates to the village of Ellicottville, is so amended as to read as follows : After the first election of officers in such village, they shall, except in cases of an election to fill a vacancy or vacancies, be elected on every first Tuesday of May, and notice by the trustees of any annual election, shall not hereafter be required.

Office of
street com-
missioner
abolished.

§ 2. The office of street commissioner, as far as relates to said village of Ellicottville, is hereby abolished, and the duties of said street commissioners shall be performed by the trustees, in the manner prescribed by chapter four hundred and fourteen of the laws of eighteen hundred and fifty-three.

§ 3. This act shall take effect immediately.

Chap. 107.

AN ACT in relation to the time for holding annual town meetings.

Passed April 2, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Town
meetings.

SECTION 1. The time for holding town meetings shall include the first day of February and the first day of May ; and all town meetings which have been held on

either of those days shall be as valid and effectual as though they had been held on any day between those days.

§ 2. This act shall take effect immediately.

Chap. 108.

AN ACT to authorize the collection of the unpaid school taxes of the years eighteen hundred and fifty-six, eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, in the village of Sing Sing.

Passed April 2, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor of the town of Ossining is authorized and directed to deliver to the collector of the said town the three several separate tax lists, prepared by the supervisors of said town in the years one thousand eight hundred and fifty-six, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, or either of said lists, under and in pursuance of "An act to establish free schools in the village of Sing Sing," passed April fifteenth, one thousand eight hundred and fifty-four, and an act amending the same, passed April tenth, eighteen hundred and fifty-seven, for the collection of school taxes within said village, with his warrant, directed to said collector, commanding him to levy and collect such of the taxes assessed in said tax list as now remains unpaid, who shall proceed in the collection of such unpaid taxes in like manner as town collectors are now authorized by law to do in the collection of town and county taxes, and with the like powers and subject to the same duties and obligations. Such warrants shall require such collector to pay over such taxes, exclusive of his legal fees for collection, to the treasurer of the trustees of the permanent free school district of the vil-

Three separate tax lists to be prepared.

lage of Sing Sing, within sixty days after the receipt of such warrant; and the duties herein enjoined upon such collector are hereby declared to be a part of his official duty as collector of the town of Ossining.

Collector to
execute
bond.

§ 2. Such collector, before the delivery of such warrant to him, shall execute to such supervisor, and lodge with him, a bond, with one or more sureties, to be approved by such supervisor, in double the amount of such unpaid taxes, conditioned for the faithful performance of his duties in the collection of said taxes, which bond, in the event of any delinquency on the part of such collector, said supervisor shall prosecute for the benefit of the permanent free school district of the village of Sing Sing.

§ 3. This act shall take effect immediately.

Chap. 109.

AN ACT to authorize the Troy and Boston Railroad Company to erect a freight depot and construct a track, in the city of Troy.

Passed April 4, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

To extend
track.

SECTION 1. The Troy and Boston Railroad Company is hereby authorized and empowered to extend and construct their railroad track upon the lands of the Troy Union Railroad Company, as may be agreed with such company, and also to extend or construct their said track from the railroad of the said Troy Union Railroad Company to such point in said city as said Troy and Boston Railroad Company may select for a freight depot; and for the purposes of so constructing such railroad track and locating and constructing such depot, said company may proceed to purchase or procure lands, and the right of way, under and in accordance with the provisions of their charter and organization and the general railroad acts, without any increase of their capital stock; provided,

always, that this act shall not authorize said company to construct such railroad track on Adams street, east of First street, nor upon any street or alley east of First street, between Adams and Federal streets, nor across River street between Grand Division and Jacob streets, or upon First street, except to cross the same; nor without the consent of the common council of the city of Troy, upon Front street, north of Division street; neither shall anything herein be construed to allow the taking of grounds of the eighth ward school.

§ 2. In the use of said track by the cars of the Company, the streets over which it passes shall not be obstructed by unnecessary delays; and no cars shall be stationary for more than ten minutes at any one time, upon any street or alley east of River street.

Streets not
to be ob-
structed.

§ 3. This act shall take effect immediately.

Chap. 110.

AN ACT to amend section thirty-three, of article two, title three, chapter eight, of the third part of the Revised Statutes, relative to suits against heirs.

Passed April 4, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-three, of article two, title three, chapter eight, of the third part of the Revised Statutes, is hereby amended so as to read as follows:

§ 33. But such heirs shall not be liable for any such debts, unless it shall appear either that the deceased left no personal assets within this state to be administered, or that the personal assets of the deceased were not sufficient to pay and discharge the same; or that, after the proceedings before the proper surrogate's court and at law, the creditor has been unable to collect such debt, or some part thereof, from the personal representatives of the deceased, or from his next of kin or legatees.

§ 33, art. 2,
title 3, chap.
8, Revised
Statutes
amended.

Chap. 111.

AN ACT to amend an act entitled "An act to provide for the unpaid city taxes and assessments on real estate in the city of Troy, for the years eighteen hundred and forty-nine to eighteen hundred and fifty-five, inclusive," passed April fifteenth, eighteen hundred and fifty-seven.

Passed April 4, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 3, ch. 595,
of Laws of
1857,
amended.

SECTION 1. The third section of chapter five hundred and ninety-five, of the laws of eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

§ 3. The said chamberlain shall proceed to collect and receive said taxes, in all respects pursuant to the provisions of article second of "An act in relation to the city of Troy," passed January twenty-eighth, eighteen hundred and forty-eight, as amended by the act of April fourth, eighteen hundred and forty-nine, except that said chamberlain shall immediately cause to be published, once in each week for four weeks successively, in the daily newspaper having the largest circulation, and one other daily paper to be designated by the common council, provided the rates for publishing in both of said papers shall not exceed the legal rates for advertising in a single paper; and in case the said papers refuse or neglect to publish said notices upon the terms herein specified, then such publication shall be made in a daily newspaper, on behalf of which an offer shall be made to publish the same at the lowest price, not to exceed two-thirds the legal rates, the list or assessment roll required to be prepared by or under the first section of the act hereby amended. And if, after the completion of such publication, any portion of said taxes shall not be paid on or before the fifteenth day of May, one thousand eight hundred and fifty-nine, or in case such publication shall not have been completed at that time, then, within two weeks after the completion thereof, the said chamberlain

shall immediately proceed to advertise and sell the real estate upon which such taxes are assessed, as now provided by law; and said taxes when collected shall be disbursed and accounted for by said chamberlain, in the same manner as other taxes for city purposes.

§ 2. The fourth section of said act is hereby repealed, and the following is substituted in its stead: § 4 repealed.

§ 4. All city assessments confirmed by the common council of the city of Troy, from the year eighteen hundred and forty-nine to the year eighteen hundred and fifty-five, both inclusive, which remain unpaid, as the same appear upon the original assessments, in the office of said chamberlain, are hereby revived and declared to be of the same force and effect as when originally confirmed by the common council of said city; and the same shall be enforced and collected, and applied and accounted for, in the same manner as other city assessments, except that said chamberlain shall cause to be published, in the manner provided by section three of said act, as by this act amended, a list or statement of such unpaid assessments, showing briefly the amount of each unpaid assessment, the name of each person whose assessment remains unpaid, and a description of the real estate upon which any such assessment remains unpaid, so far as such amounts, names, and descriptions can be obtained from the original assessments in said chamberlain's office, and also the date of the confirmation of each such unpaid assessment. And provided, that at any time during the publication of said list, it shall be lawful for any person or persons holding interest in any premises so assessed, to apply to the common council by petition setting forth, specifically, why such assessment should be modified, reduced or discharged; and in such case it shall be the duty of the common council, before proceeding to collect such assessment, to appoint a committee who shall, at such times and places as they shall designate, hear the proofs and allegations of the parties, and shall review the premises if deemed necessary by them; the said committee shall, by their report to be made to the common council, state what modification or reduction, if any, ought equitably to be made on such assessments or in the collection thereof, or whether the same ought not to be discharged; and the decision of the common council upon such report, Certain assessments revived.

shall be conclusive in the premises. And if, at the expiration of thirty days after the completion of such publication, or within ten days after the decision of the common council upon the report of said committee, had as provided in this section, any portion of said assessments shall not be paid, it shall be lawful for the common council of said city to direct the enforcement and collection thereof by a sale of the real estate upon which said assessments remain unpaid, in the manner provided by law; provided, that nothing herein contained shall be deemed to revive or authorize the collection of any assessment not legally laid and confirmed by said common council.

§ 3. This act shall take effect immediately.

Chap. 112.

AN ACT in relation to the Troy water works.

Passed April 4, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporation
may take
land for
improving
water works

SECTION 1. It shall be lawful for the corporation of the city of Troy, at any time hereafter, and from time to time as to said corporation it shall seem necessary, to take land for the purpose of enlarging and improving the water works of said city, under and in accordance with the provisions of an act of the legislature of the state of New York, entitled "An act in relation to the Troy Water Works Company, and for insuring to the city of Troy a supply of water for the extinguishment of fires and other purposes," passed March twentieth, eighteen hundred and thirty-two.

Act of 1832
declared in
force.

§ 2. It is hereby declared that said act of March twentieth, eighteen hundred and thirty-two, remains in full force, and shall so remain hereafter for the purposes therein specified.

§ 3. The authority and duties which by said act of eighteen hundred and thirty-two are conferred upon the chancellor, shall be hereafter exercised by the supreme court at a general term thereof; but no appointment of commissioners for the appraisal of the damages of taking land or water shall be made without fourteen days' notice of application or hearing to be given to the parties interested, in such manner as the supreme court shall direct or approve of. No commissioner shall be appointed to appraise damages under said act who shall reside in the county of Rensselaer, or who shall own or be interested in property liable to taxation in the city of Troy.

Authority conferred in supreme court at general term.

§ 4. This act shall take effect immediately.

Chap. 113.

AN ACT in relation to common schools in the village of Elmira.

Passed April 4, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. School districts numbers two, three, five and six of Elmira, and number eleven of Southport, Chemung county, lying principally within the corporate limits of the village of Elmira, are hereby consolidated for the purposes and to the extent in this act specified; and shall hereafter, for such purposes and to such extent, form but one school district, to be called "The Union School District of Elmira."

Certain school districts consolidated for certain purposes.

§ 2. Said five school districts shall remain and continue separate and distinct, for the purposes and to the extent in this act specified; and shall be called commissioner districts, and numbered as follows: district number two shall form commissioner district number one; district number three shall form commissioner district number two; district number eleven of Southport, shall form commissioner district number three; district number five

Said districts declared distinct for certain other purposes.

shall form commissioner district number four, and district number six shall form commissioner district number five; said districts shall not be subject to alteration except by the legislature, or by a resolution of the board of education hereinafter created.

Commis-
sioners ap-
pointed.

§ 3. Ariel S. Thurston in commissioner district number one; Stephen McDonald residing in commissioner district number two; Archibald Robertson residing in commissioner district number three; Civilian Brown residing in commissioner district number four, and Shubael B. Denton residing in commissioner district number five, are hereby appointed commissioners in behalf of such districts, respectively. The trustees of the village of Elmira shall, within fifteen days after the passage of this act, appoint four persons to act as school commissioners in behalf of said "union school district," who shall be residents thereof; and the said persons above named, and the persons appointed by the trustees of the said village as commissioners, and their successors to be chosen as hereinafter provided, are hereby constituted a corporate body in relation to all the powers and duties conferred or imposed by law, to be styled "the board of education of the village of Elmira," and are hereby invested with all the powers and charged with all the duties conferred upon them by this act. A majority of commissioners shall constitute a quorum.

Commis-
sioners how
to be elected
or appoint-
ed.

§ 4. On the second Tuesday in October, eighteen hundred and sixty, there shall be elected in the same manner that trustees of school districts are now elected, by each commissioner district heretofore named, one commissioner (who shall be a resident of such district) to fill the places of those named in the preceding section, in behalf of such districts respectively. On the Monday preceding the second Tuesday in October, eighteen hundred and sixty, the trustees of the village of Elmira shall in like manner appoint four persons to be school commissioners, to fill the places of those appointed by said board of trustees in behalf of said union district. Annually thereafter, on the day above specified for such election by districts, and appointment by the board of trustees, there shall in like manner be elected five commissioners for the commissioner districts, and two commissioners appointed by the board of trustees of the village for the union district, to fill the places of

those whose terms shall next thereafter expire, as herein-after provided.

§ 5. The commissioners elected as hereinbefore provided, shall hold their respective offices for the term of one year from the second Tuesday in October, eighteen hundred and sixty, and until their successors shall be chosen, and enter upon the discharge of the duties of their offices, respectively. The commissioners appointed on the Monday preceding the second Tuesday in October, eighteen hundred and sixty, by virtue of this act, shall be divided in classes of two each, and they, or a majority of them, shall within ten days after their appointment, meet in the office of the clerk of the village, and shall determine by lot which of the two persons so appointed shall serve for the term of one year and which for the term of two years. The persons so appointed as commissioners shall hold their respective offices for the term of two years (except the first class, which shall hold only for one year), and until their successors shall be appointed and enter upon the discharge of the duties of their offices, respectively. Within ten days after receiving notice of their election or appointment, the commissioners thus chosen shall take the oath of office prescribed by the constitution of this state, and file the same with the clerk of the village. This act shall not be so construed as to disqualify any commissioner for re-election or reappointment.

Commissioners' terms of office.

§ 6. The board shall have power and it shall be their duty, to fill all vacancies in the board of education which may occur from any other cause than the expiration of their term of office. The commissioners so appointed shall hold their offices for the unexpired term of those to supply whose places they are appointed. Any member of said board of education may resign his office by giving ten days' previous notice in writing to the president of the village, who may, if he deems the reasons sufficient, accept the same.

Vacancies, how to be filled.

§ 7. Any member of the board of education may, for neglect of duty, or other immoral or official misconduct, be removed from office by the board of trustees of the village, by a vote of two-thirds present at any regularly called meeting thereof; but, before final action thereon, a written copy of the charges preferred against said

Members of board of education may be removed.

member shall be served upon him, and he shall be allowed an opportunity to explain or refute them.

President of
board to be
elected.

§ 8. At the first meeting of the board of education, and at each annual meeting thereafter, they shall elect one of their number president of the board, and, whenever he shall be absent or unable to act, they shall elect a president pro tempore. At their first meeting the board shall fix the time for their next annual meeting, and unless changed by a resolution of the board, the time thus fixed shall be the time for future annual meetings. The board of education shall receive no compensation for their services.

Meetings of
board.

§ 9. The board of education shall meet for the transaction of business as often as once in each month, and may adjourn for any shorter time. Special meetings may be called by the president, or in his absence or inability to act, by any member of the board, as often as necessary, by giving personal notice to each member of the board, or causing a written or printed notice to be left at his place of residence, at least twenty-four hours before the hour for such special meeting.

Board may
appoint se-
cretary and
librarian.

§ 10. The board of education shall appoint a secretary and librarian, who shall hold their offices during the pleasure of the board, and whose compensation shall be fixed by the said board; and the same person may hold the office of secretary and librarian. The secretary shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe. The librarian shall have charge of the library or libraries of the district, and may appoint such assistants as may be necessary from time to time, and such assistants may be removed at any time by the board of education.

Records of
board to be
evidence.

§ 11. The record of the board of education, or a transcript thereof certified by the secretary, shall be received in all courts as prima facie evidence of the facts therein set forth; and such record, the books, accounts, vouchers and papers of the said board shall at all times be subject to the inspection of the trustees of the village or any committee thereof.

Trustees of
Elmira shall
levy and
raise taxes
for certain
purposes.

§ 12. The trustees of the village of Elmira shall have power, and it shall be their duty, to raise, from time to time, by tax, to be levied upon all the real and personal estate in said union school district, which shall be liable

to taxation for town or county charges, such sums as may be determined upon, and certified by the board of education to be necessary and proper, for any or all the following purposes for the current year:

1. To purchase, lease, or improve sites for school-houses.

2. To build, purchase, lease, alter and repair, school-houses, out-houses and appurtenances thereunto belonging.

3. To purchase, exchange, improve and repair school apparatus; but the power herein granted shall not be deemed to authorize the furnishing with class or text books, any scholar whose parents or guardians shall be able to furnish the same.

4. To procure fuel, and defray the necessary expenses of keeping the school-houses in order, exclusive of repairs, including insurance.

5. To defray the contingent expenses of the common schools, and the district library or libraries, including salary of librarian and superintendent.

6. To defray the contingent expenses of the board of education, including the salary of the secretary thereof.

7. To pay teachers' wages, after the application of the public money appropriated by law for that purpose.

8. To pay charges or expenses incurred by law, or necessary to carry this act into effect, or to refund loans contracted by law, and to pay the interest thereon, or to pay such sums as shall be required to fulfill any contract duly made under the provisions of this act.

§ 13. The tax to be levied as aforesaid, and collected by virtue of this act, shall be levied and collected in the same manner and at the same time that other village taxes are, and the powers, duties, and liabilities of the collector and his sureties shall be the same in reference to the collection of this tax, as for other village taxes, and his jurisdiction shall extend under this act, to all the territory embraced in the said union school district.

Tax, how collected.

§ 14. The amount raised for teachers' wages and contingent expenses shall not be less than two, nor more than four times the amount appropriated to said "union district," or the several districts composing the same, from all the common school funds of the state during the previous year; nor shall the amount to be raised in any one year, for the purchase of sites, erecting and repairing

Amount to be raised limited.

school-houses and the appurtenances, exceed one thousand dollars except as herein otherwise provided for.

Moneys to be paid to treasurer.

§ 15. All moneys raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said union school district, shall be paid to the treasurer of said village, who, together with the sureties upon his official bond, shall be accountable therefor, in the same manner as for other funds of said village, and the board of trustees in fixing the amount of the treasurer's sureties, shall include the moneys received by virtue of this act. The said treasurer shall be liable to the same penalties for official misconduct in relation to said money, as for any similar misconduct in relation to other moneys of said village.

School moneys to be kept distinct by treasurer.

§ 16. All moneys raised by virtue of this act, or received from any other source, for the use of common, academic or high schools, in buildings therefor, shall be deposited with the treasurer for the safe keeping thereof, to the credit of the "board of education," until drawn as hereinafter provided for, and the said treasurer shall keep the account of the funds thus deposited with him, separate and distinct from any other funds which he is or may be authorized to receive.

Village treasurer to draw upon county treasurer.

§ 17. The said treasurer of the village of Elmira shall, at the proper time in each year, draw upon the county treasurer or other proper officer, for all moneys appropriated to said union district from the common school, literature, or other funds of this state; and he is hereby authorized to receive the same for the said union district, as provided for in the preceding section.

Drafts, how and by whom drawn on treasurer.

§ 18. The treasurer shall pay out the moneys received by him by virtue of this act, only upon drafts drawn by the president, and countersigned by the secretary of the board of education, which drafts shall not be drawn except in pursuance of a resolution or resolutions of said board, and shall be made payable to the person or persons entitled to receive the money thereon, and shall state on what account said draft is drawn.

Suits may be prosecuted in official bonds.

§ 19. The board of education may cause a suit or suits to be prosecuted in the name of the board of trustees of the village of Elmira, upon the official bond of the treasurer, or any collector of said village, for any default, delinquency or official misconduct in relation to the col-

lection, safe keeping, and payment of any money in this act mentioned.

§ 20. The said board of education shall have power, and it shall be their duty :

Board of
education,
their pow-
ers.

1. To organize, establish and maintain such and so many schools in said "union school district," including the common schools now existing therein, and including also any academy or high school, as they shall deem requisite and expedient, and to alter and discontinue the same.

2. To purchase and hire school-houses and rooms, lots or sites for school-houses, and to fence and improve them.

3. Upon such lots and sites owned by said village to build, enlarge, alter, improve and repair school-houses, out-houses and appurtenances as they may deem advisable.

4. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools, pay the necessary insurance on buildings and school property, and to defray the contingent expenses of the school library.

5. To have the custody and safe keeping of the school-houses, and all school property belonging to said union district, and to see that the ordinances of the board of trustees in relation thereto be observed.

6. To contract with, examine, license, and employ all teachers in said schools, and at their pleasure remove them.

7. To pay the wages of such teachers out of the money appropriated and provided by law for the support of common schools in said union district, or by this act.

8. To defray the necessary contingent expenses of the board, including the annual salary of the secretary of the board, provided the account of the contingent expenses of said board shall first be audited and allowed by the board of trustees.

9. To have in all respects the superintendence, supervision and management of the common schools of said district, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, or the reception of pupils and their transfer from one class to another, or from one school to another, and generally for their good order, prosperity and utility.

Board may
sell school-
houses, &c.

10. Whenever, in the opinion of the board of education, it may be advisable to sell any of the school-houses, lots or sites, or any of the school property now or hereafter belonging to the corporation, to report the same to the board of trustees.

Board to re-
port to
trustees of
village nec-
essary ordi-
nances for
government
of schools
and esti-
mates of ex-
penses.

11. To prepare and report to the board of trustees, such ordinances and regulations as may be necessary and proper for the protection, safe keeping, care and preservation of school-houses, lots and all property belonging to the village connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually on or before the first day of June, to determine and certify to the board of trustees, the sums in their opinion necessary or proper to be raised, under the twelfth section of this act, for the year commencing on the first day of October thereafter, specifying the amount required for each of the purposes therein mentioned, and the reason therefor.

Trustees
may ap-
prove, in-
crease or
diminish
such esti-
mates.

§ 21. Upon the reception of the report of the board of education by the board of trustees, in relation to the amount of money necessary for school purposes, as directed to be made in the preceding section, the board of trustees shall proceed to consider the same, and approve, increase or diminish any or all of said estimates; but they shall not diminish the aggregate amount, so that the sum to be raised by the said union district shall be less than twice, nor increase the same so that it shall exceed four times the amount received during the preceding year from the state, for school purposes; and after having fixed the amount to be expended for each and all the purposes mentioned in the last preceding section, the same shall be certified to the board of education, who shall, during such fiscal year, limit the expenditures for such purpose, so that the same shall not exceed the appropriation, and not lessen the length of time each school shall be kept in each district.

Report to
be made to
school com-
missioners
of Chemung
county.

§ 22. Between the first and fifteenth days of October of each year, the board of education shall make and transmit to the school commissioners of Chemung county, a report, in writing, bearing date the first of October, in the year of its transmission, and signed by the president and secretary of the board of education, and stating:

1. The number of school-houses in said union district,

and an account and description of all common schools kept therein, during the preceding year, and the length of time they have severally been taught.

2. The number of children taught in said school respectively, and the number between the ages of four and twenty-one years, residing in said district, on the first day of October in each year.

3. The whole amount of school moneys received by the treasurer of the village, during the preceding year, distinguishing the amount received from county treasurer, from the village collector, and from other sources, specifying the same.

4. The manner in which such moneys have been expended, and whether any, and what part remains unexpended, and for what cause.

5. The amount of money received for tuition from foreign pupils or any other during the year, and the amount paid for teachers' wages, in addition to the public moneys, with such other information relating to the common schools of said district as may, from time to time, be required by the state superintendent of public instruction.

§ 23. Whenever, in the opinion of the board of education, it shall become advisable to establish a high school or academy in connection with the school system by this act contemplated, and erect a suitable building therefor, they shall report that fact, together with an estimate of its entire cost, with the site, to the board of trustees. The said board of trustees, upon the receipt of such report and estimate, shall cause the question of raising the proposed amount by tax, to be submitted to the decision of the tax-payers of the union school district, in such manner as they shall deem best calculated to procure a fair expression from said tax-payers. All further proceedings in relation to this special school tax by the said board of trustees, shall be as directed and set forth in section nine, title five of the village charter, so far as the same will apply to this act, except that if the tax is voted, the restriction in time of three years for reimbursing any loan made as therein stated, is hereby removed, and the time left optional with the trustees. The provisions of this section shall extend to all amounts required for building

High school
or academy
may be es-
tablished.

school-houses, where the estimated cost exceeds one thousand dollars.

Trustees of
Elmira
academy
may trans-
fer certain
property to
board of ed-
ucation.

§ 24. The trustees of "Elmira Academy" are hereby authorized and empowered to transfer to the board of education hereby created, either immediately or at a future time, on such conditions as they jointly shall deem most conducive to the cause of education, the right, title and interest in and to all the estate, real and personal, and all bequests belonging to said academy, to be by them used in the purchase of a site, the erection of suitable buildings, the organization of an academic or high school, or for the maintenance of an academy in connection with the general free school system contemplated in this act. The board of education, if they shall deem it necessary, may with the advice and consent of the board of trustees, organize and maintain primary, secondary or high schools, or either of them in, or cause them to be taught in connection with the Elmira academy, on such terms and conditions, and for such time as shall be deemed expedient, by and between said board of education and the trustees of such academy.

Academy,
when estab-
lished, to be
under the
visitation of
regents of
the univer-
sity.

§ 25. The academy connected with the school system contemplated by this act, when organized, and when it has complied with the necessary requirements, shall be recognized as one of the academies of this state, subject to the visitation of the regents, and shall be entitled to participate in the distribution of the income of the literature and other funds in the same manner and upon the same conditions as the other academies of the state; and the regents of the university of the state of New York shall pay annually to the board of education of Elmira, the distributive share of the said funds to which the said academy shall be entitled.

Report to
be made to
school com-
missioner of
Chemung
county.

§ 26. The board of education shall report annually the condition of the union school district of Elmira to the school commissioner of Chemung county, in the same manner and to the same extent as other school districts are by law required to report. The said commissioner, in making apportionment of school moneys, shall designate the amount due said union district separate from other districts in Elmira or Southport, and certify the amount due said district for teachers' wages and library to the treasurer of Chemung county, who shall upon the

draft of the president of the board of education, countersigned by the secretary thereof, pay the sum thus certified as due said union district, to the treasurer of the village of Elmira.

§ 27. Each member of the board of education shall visit all the schools in said union school district at least once in each year of his official term; and the said board of education shall provide that each of said schools shall be visited by a committee of their number at least once in each term, who shall report in writing to said board the condition of each school, and make such suggestions as they may deem proper.

Visitation
of schools to
be made by
board.

§ 28. The schools organized under this act shall be free to all pupils between the ages of four and twenty-one years, who are actual residents of said union school district. The board of education shall decide all questions of residence arising under this section. The said board may allow the children of non-residents to attend the schools of said district, and shall prescribe the rates for the tuition of such non-residents, and also for all pupils over twenty-one years of age, payable always in advance.

Schools to
be free to
certain pu-
pils.

§ 29. The said board of education shall be trustees of the school district libraries of said union district, and all the provisions of law which are now in force, or hereafter may be passed, relative to school district libraries, shall apply to said board of education in the same manner as if they were trustees of a school district. They shall be vested with the same discretion as to the disposition of moneys appropriated by the laws of this state for the purchase of libraries which is therein conferred on the inhabitants of school districts, and they shall have power to purchase, exchange, repair or dispose of any books or other property of said libraries, or cause it to be done, and apply the proceeds to the purchase of other books or apparatus; also to provide suitable rooms and furniture for said libraries.

Board of
education
to be trust-
ees of
school dis-
trict libra-
ries.

§ 30. The title of the school-houses, sites, furniture, books, and all other school property, belonging to the districts in this act mentioned, shall be vested in the village of Elmira, and the same, while used or appropriated for school purposes, shall not be levied on or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said village, in

Title to
school-
houses, &c.,
to be vested
in the vil-
lage of
Elmira.

its corporate capacity, shall be competent to take, hold, and dispose of any real or personal estate transferred to it by grant, gift, bequest or devise, for the use of the common schools or academy of said union school district, whether the same be transferred in terms to said village by its proper style, or by any other designation, or to any person or persons, or corporation, for the use of said schools or academy.

Board of trustees may sell property under certain restrictions.

§ 31. The board of trustees may, upon the recommendation of the board of education, sell any of the property, including existing sites held by them by virtue of this act, upon such terms as they shall deem most advantageous; and the proceeds of all such sales shall be paid to the treasurer of the village, and shall be by said board of education expended in the purchase, repair or improvement of school-houses, sites, or appurtenances, furniture or apparatus.

Board of education to make report to trustees of the village.

§ 32. It shall be the duty of said board of education, at least fifteen days previous to each annual election for commissioners, to prepare and report to the board of trustees, a true and correct statement of the receipts and disbursements under the provisions of this act during the preceding year, in which account shall be stated under appropriate heads:

1. The moneys raised by the board of trustees under the twelfth section of this act.

2. The school moneys received by the treasurer of the village from the county treasurer.

3. The moneys received by the treasurer of the village under the twelfth section of this act.

4. All other moneys received by the said treasurer, subject to the order of the board of education, specifying the sources from which they shall have been derived.

5. The manner in which such sums of money shall have been expended, specifying the amount under each head of expenditure; and the board of trustees shall, ten days before such election, cause the same to be published in one or more of the newspapers of said village.

Trustees to have power to pass ordinances.

§ 33. The board of trustees shall have power, and it shall be their duty, to pass such ordinances and regulations as the board of education may report as necessary for the protection, preservation, safe keeping and care of the school-houses, lots, libraries, and property belong-

ing to or connected with the schools of said union district, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act to incorporate said village; and all such penalties, and all others by this act imposed, shall be collected in the same manner that the penalties for violations of the village ordinances are by law collected; and, when collected, shall be paid to the treasurer of the village, to the credit of the board of education, and shall be subject to their order in the same manner as other moneys raised pursuant to the provisions of this act.

§ 34. The various school district offices, in each of the districts herein embraced, shall terminate whenever this act shall take effect; and the board of education shall be chosen and organized, and shall enter upon the duties of their office, except as herein otherwise provided. The trustees and collector in each district shall retain the power now, by law, vested in such officers, until they, by due diligence, shall have closed up all the unsettled business of their several districts, and discharged all the indebtedness thereof, and for such purpose shall, if necessary, call meetings of the inhabitants of such district, and when voted at a legally called meeting, shall levy and collect a tax sufficient to liquidate such indebtedness.

School district offices shall terminate when this act takes effect.

§ 35. It shall be the duty of the clerk of the village, immediately after the election or appointment of any person to any office mentioned in this act, personally, or in writing, to notify him of his election or appointment, and any person who, without sufficient cause, shall refuse to serve therein, shall forfeit the sum of ten dollars; and every person so elected or appointed, and not having refused to accept, who shall neglect to discharge the duties of such office, shall forfeit the sum of twenty dollars to said board of education. It shall be the duty of the said board of education forthwith to prosecute for all forfeitures and penalties under this act, when voluntary payment is refused, and when received, to apply the same to the purposes of education in said district. All officers mentioned in this act shall be deemed public officers, within the intent and meaning of section thirty-eight of title six, of chapter one, part four of the Revised Statutes, and, as such, liable to the penalty therein pre-

Duty of clerk of village.

scribed, in addition to the penalty in this section before provided.

Schools for colored children may be established.

§ 36. The board of education shall cause a school or schools for colored children to be taught in said union district, and include the expenses thereof in the amount so to be raised, annually, by tax for contingent expenses, and other purposes of education provided for in this act.

Superintendent of schools may be appointed by board of education

§ 37. The board of education may, when they shall deem it advisable, appoint a superintendent of common schools for the said union school district, who may, ex officio, be secretary of said board. He shall be under the direction of the board of education, and they shall prescribe his general duties. In addition to such other duties as may be devolved upon him by the board, in the visitation and superintendence of the schools, he shall examine the qualifications of teachers, and grant certificates in such manner and form as may be prescribed by the state superintendent; which shall not be in force longer than a year, and which may at any time be revoked by the board of education. He shall be paid a salary out of the general fund, to be fixed by the board of education, and may be removed from office by the vote of a majority of all the members of the said board.

Duty of assessors of Elmira.

§ 38. The assessors of the village of Elmira shall have power, and it shall be their duty, to assess all the taxable property beyond the corporate limits of said village and within the limits of the said union school district, for school purposes in said district; and in making such assessments, they shall, as far as possible, obtain the valuations of taxable property, from the last assessment roll of the town where the property is situated, in the same manner as trustees of school districts are now by law required to do.

Conflicting acts repealed.

§ 39. All acts and parts of acts, conflicting or inconsistent with the provisions of this act, are hereby repealed, so far as they affect this act.

§ 40. This act shall take effect immediately.

Chap. 114.

AN ACT authorizing Joshua W. Rappleye, of Farmersville, in the county of Seneca, to remove the remains of certain persons buried on his premises to the new cemetery ground in the town of Covert.

Passed April 4, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Joshua W. Rappleye, of Farmersville, town of Covert, and county of Seneca, is hereby authorized to remove the remains of all persons buried on his premises, to a new cemetery ground, about three-fourths of a mile distant, called the North Rural cemetery.

Certain human remains may be removed.

§ 2. Said Joshua W. Rappleye shall cause notice to be given, in three of the most public places in said town, at least three weeks, of his intention to cause such removal; and all persons interested in the remains of persons so buried, shall be permitted to remove the same at any time prior to their removal by said Rappleye.

Notice shall be given.

§ 3. This act shall take effect immediately.

Chap. 115.

AN ACT to confirm the acts of the trustees and officers of the village of Lyons, who were elected on the eighth day of March, eighteen hundred and fifty-nine.

Passed April 4, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All proceedings which have been had by the trustees of the village of Lyons, and all other officers

elected by the village of Lyons, at their election on the eighth day of March, eighteen hundred and fifty-nine, since the said election, shall be held to be of the same force and validity as if due and legal notice of said election had been given previous thereto, as required by law ; and all future acts and proceedings of said board of trustees, or any other officer or officers of said village, elected on the day aforesaid, shall have the same force and validity as if notice of said election had been given, as required by law.

§ 2. This act shall not affect the right of any party to any suit or legal proceeding which has been commenced in consequence of the invalidity of any proceeding before said trustees, or by any of said officers, previous to its passage.

§ 3. This act shall take effect immediately.

Chap 116.

AN ACT to consolidate and amend the several acts relating to the village of Cazenovia, to alter the bounds and to enlarge the powers of the corporation of said village.

Passed April 4, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. That district of country situated in the town of Cazenovia, and county of Madison, comprehended within the following limits :

Boundaries
of village.

Beginning on the east side of the Cazenovia lake at a point where the north line of a lot of land known and distinguished as lot P. S. in the fourth allotment of New Petersburgh intersects the same ; thence running eastwardly along said north line of lot P. S. to the northeast corner thereof, at a stone monument ; thence southerly on a line at right angles with the north line of said lot P. S. to a point due west from the northwest corner of the cemetery of said village ; thence east to the north-

west corner of said cemetery lot ; thence easterly along the north bounds of said cemetery lot to the northeast corner thereof ; thence southeasterly along the east bounds thereof and to the south bounds of Fenner street ; thence westerly along the south bounds of said street to a point in the continuation of the said line from the northeast corner of said lot P. S. ; thence southerly on the continuation of said line to a beech tree standing in the north line of lot number fifty-one in the Road Township Reservation ; thence westerly on the north line of said lot number fifty-one and of lot number fifty to the center of the Chittenango creek ; thence southerly up the center of said creek to the northeast corner of lot number forty-one in said reservation ; thence westerly on the north line of said lot number forty-one to the northwest corner thereof at the center of De Ruyter street ; thence westerly along the north line of lot number thirty-four, twenty-one chains and fifty links to a stone monument ; thence northerly on a line at right angles with the north line of said lot P. S. to the bank of the Cazenovia lake, and thence on the same course to a point in the continuation of the north line of said lot P. S. extended westwardly into the Cazenovia lake ; thence easterly on said continuation line to the place of beginning, shall hereafter be known and distinguished by the name of The village of Cazenovia. And such additions of land to the cemetery of such village as may hereafter be acquired by the said village, shall from the time of such acquisition be added to and embraced within said village, the limits of which shall by such acquisition be deemed to be extended around such additions.

§ 2. The inhabitants of such village shall be and are hereby declared to be a body corporate in fact and in name, by the name of "The trustees of the village of Cazenovia ;" and by that name they and their successors shall and may have perpetual succession and be persons in law capable of suing and being sued ; pleading and being impleaded ; answering and being answered unto ; defending and being defended in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever ; and may have a common seal, and alter the same at pleasure, and shall be in law capable of receiving by gift or bequest, purchasing, holding and

Name and
powers of
corporation.

conveying any estate real or personal, for the public use of said village, and of raising in any one year, in addition to the tax for highway purposes, sums of money not exceeding one thousand dollars, for such purposes and in the manner as hereinafter provided. But no sale of any real estate shall be made, and no public building erected or disposed of, without the consent of the legal voters of such village entitled to vote for the raising of taxes therein, or the major part of such of them as may be present and voting at a public meeting called as hereinafter provided. In case any prosecution by or against said village, no person shall be incapacitated from acting as judge, justice of the peace, juror or constable by reason of his residing in or owning property within said village.

§ 3. All regular annual meetings and elections shall be held on the first Tuesday in December in every year, and the officers elected shall enter upon their offices on the first Tuesday of January next ensuing and shall hold their offices until the first Tuesday of January thereafter.

Officers of
village.

§ 4. The officers of said village shall be the following:

1. To be elected at regular meetings:

Five trustees.

One collector.

One treasurer.

Three trustees of the cemetery.

2. To be appointed by the trustees, removable at their discretion:

One clerk.

Not more than three street commissioners.

Not more than three fire wardens.

Not more than three assessors.

One pound master.

One weighmaster.

Notice to be
given of
meetings of
electors.

§ 5. All meetings of the electors of such village shall be notified by the trustees, by the publication in a newspaper printed in such village, once in each week for three weeks previous to the time appointed for such meeting, of a notice stating the place and time of such meeting, the officers to be chosen at such meeting, and the other business which may be expected to come before such meeting; or if there shall be no newspaper printed in such village, then by posting printed copies of such notice

in at least ten of the most public places within such village limits, at least three weeks previous to the time appointed for such meeting; and no business shall be legally done at any meeting which shall not have been so notified, except the election of officers at the regular annual meeting.

§ 6. At every meeting for the election of officers in such village, the polls shall be kept open for the space of at least two hours uninterruptedly, between ten o'clock in the forenoon and five o'clock in the afternoon, and the time of opening and closing the polls shall be specified in the notice of such meeting.

Time during which polls shall be kept open.

§ 7. The trustees shall preside as inspectors at every such election, except in cases otherwise provided for in this act, and all the laws of this state in relation to the election of town officers, and notifying them of their election, shall apply to all elections of officers in such village, so far as the same can be so applied, and are consistent with this act.

Inspectors of elections.

§ 8. The officers presiding as inspectors at any such election shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for; which certificate shall be recorded in the records of such village.

Canvass of votes.

§ 9. 1. At all elections of officers in such village, every inhabitant of such village qualified to vote for town officers in the town in which such village is situated, may vote for all the officers to be chosen; no person shall be elected as such officer unless he shall be entitled to vote at the election at which he is elected; the persons eligible and having the greatest number of votes shall be declared elected, and if two shall have the greatest and an equal number of votes, the officer presiding at the election shall forthwith determine by lot which shall be deemed elected; and in such case the facts shall be set forth in the certificate of the result made by such officers.

Qualifications of voters.

2. Every officer elected in such village shall, within ten days after he shall be notified of his election, take and subscribe the oath of office required by the constitution, before some justice of the peace, or other officer

Notice to be given to officers elected.

authorized to administer oaths, and file the same with the clerk of said village, and in case of his omission to do so, he shall be deemed to have refused to serve; and his place shall be filled in the manner prescribed by this act.

Vacancies
in office of
trustee,
how filled.

§ 10. Whenever the office of more than two of the trustees shall be vacant, the remaining trustee or trustees shall give notice of a meeting of the electors of such village, to fill vacancies, and any others that may exist in any of the offices of such village, which shall be specified in such notice. If there be two trustees, they shall preside at such meeting, if there be only one, he, with one or more of the assessors shall preside, and the officers so presiding shall have all the powers and perform all the duties which all the trustees of such village could have or perform at such meeting, if present and presiding thereat.

President,
his duties.

§ 11. The president of such village shall preside at all meetings of the trustees thereof when he shall be present; he shall call special meetings of the trustees when in his opinion the interests of the village require it, and whenever he shall be requested to do so by two or more of the trustees; he shall take care that all the by-laws of such village are carefully executed; he shall prosecute in the corporate name, and for the use of such village, for all penalties incurred by any violation of such by-laws; and he shall perform such other duties as shall be imposed upon him by law or the by-laws of such village.

Trustees,
their duties.

§ 12. All meetings of the trustees of such village shall be public, and all persons may attend the same; and it shall be the duty of such trustees:

1. To appoint, from time to time, one of their number to be president of such village, and also to appoint one of their number to preside at any meeting of such trustees when the president shall be absent.

2. To appoint a suitable person to keep a poll list at any meeting of the electors of such village, when such a poll list shall be required to be kept, and the clerk shall not attend.

3. To fill any vacancy in any office of such village, except that of trustee, by appointing a person who shall hold the same for the residue of the term, unless sooner removed.

4. To provide for the care, custody and preservation of the public property, records and papers of such village.

5. To see that the officers of such village perform their duties faithfully and correctly, and to cause measures to be taken to punish any neglect of duty by any of them.

6. To call special meetings of the electors of said village, when in their judgment the interests of such village shall require it.

7. To give notice, in the manner prescribed by this act, of all meetings of the electors of such village, and to preside at such meetings.

8. To present to every such annual meeting a detailed statement, subscribed by them, of the estimated expenses of such village for the ensuing year, to meet which taxes may be lawfully raised, specifying each item of anticipated expense, which statement shall be filed with the clerk.

9. To carry into effect any resolution adopted at any meeting of the electors of such village legally convened, which such meeting shall have authority to adopt.

10. To audit accounts and claims against the village, to draw a warrant on the treasurer for the payment of every account or claim allowed by them, and to submit to the electors present, at every annual meeting, a statement in detail of all public moneys received and paid out by them, with the sources whence the same may have been received, and the purposes and persons for and to which the same may have been paid.

11. To audit every claim of the pound master for fees and compensation in respect to animals found going at large in such village in violation of the by-laws thereof as provided by law, and to hear and determine any application of the owner of any animals for a remission of the penalties incurred by their going at large.

12. To fix the penalty and decide upon the sufficiency of the sureties in the official bonds of the treasurer and collector of such village.

13. To fix the compensation of the assessors, treasurer, collector and clerk, subject to the provisions of this act.

14. To enter, or authorize others to enter, in the daytime, when in their judgment the interest of such village shall require it, any building in such village in which there shall be a fireplace, stove, or stove pipe, for the

purpose of examining the same, and to make such regulations in regard thereto as a proper security against fire shall in their judgment require.

15. To compel any male inhabitant of such village, of the age of sixteen years or upwards, attending any fire in said village, to assist in extinguishing the same, when required by any fire warden or trustee, or by any officer of any fire company or hook and ladder company in such village.

16. To compel all persons in such village to keep their ashes safely; and to limit the quantity of gunpowder, or other explosive or combustible materials which may be kept in any store or other building in said village.

17. To exercise exclusively, within the limits of said village, the powers vested in two justices of the peace, by the second section of the first article of the eighth title of the twentieth chapter of part first of the Revised Statutes.

18. To make such by-laws, not inconsistent with the laws of this state or of the United States, as they shall deem proper, to carry into effect the provisions of this act, and the powers vested in any officer of said village, and to prescribe penalties, not exceeding twenty-five dollars, for each violation of any such by-law; but no such by-law shall prescribe any penalty for any act which shall be prohibited, and for which a penalty shall be prescribed by the laws of this state, and no such by-law shall take effect until two days after it shall have been published, in a newspaper in such village, if there be one; and if there be none, until four days after a printed copy thereof shall have been posted in ten of the most public places in said village, of which publication or posting an affidavit shall be made and filed with the village clerk within six days after it shall take place.

§ 13. Such trustees shall have power in their discretion:

1. To restrain horses, cattle, sheep, swine and geese, from going at large in said village, under a penalty not exceeding five dollars for every such animal found so going at large in violation of the by-laws of such village; which animals so going at large shall be liable to be distrained, impounded and sold, as provided by this act; and the owner of every such animal shall be liable to

such penalty, which may be sued for and recovered with costs, in the corporate name and for the use of said village.

2. To prohibit the encumbering of the sidewalks of such village with any materials whatever, and riding, sliding and driving thereon, except to cross the same.

3. To prohibit flying kites, playing ball or quoits in the streets or public grounds of said village.

4. To regulate the cleaning, draining, filling up or paving of all alleys or courts or yards within such village, so far as the condition thereof may concern the public health; to prohibit the accumulation of all or any dead animal or vegetable matter, stagnant water, or other offensive substances on any premises within said village, and to compel all persons to remove such offensive substances from their premises; to prescribe the proper location and use of slaughter-houses, and to prohibit the deposit of offensive or unwholesome matter of any kind, in any spring, stream, pond or lake within said village.

5. To compel occupants of buildings in such village in which a fire shall be kept, to keep fire buckets.

6. To define and limit, by by-laws, for the safety of persons traveling on the ice in winter, portions of the Cazenovia lake lying within the limits of such village, on which it shall not be lawful to cut ice during the winter, and to prohibit cutting of ice on such portions of said lake.

7. To prohibit all building of fires in the streets and open grounds, public or private, of such village, except such as may be kindled in the daytime and with reasonable precautions for safety, for the purpose of consuming rubbish; all firing of cannon, or other firearms or fireworks, and all wanton noise or disturbance within such village.

8. To prohibit riding or driving at unreasonable or dangerous speed in any of the streets or public grounds of such village.

9. To erect, purchase, or lease, and maintain a place of temporary confinement for offenders who may be in charge of any officer.

10. To regulate the use and improvement of any of the public or common grounds, or other public property of such village; to prohibit all injury or defacement of the

grounds of the cemetery, or of any fences, trees, shrubbery, buildings, stakes, inclosures or monuments in or adjoining the same; any injury or defacement of shade trees or buildings, or fences in or on the streets of said village; or of any erections made by or with the direction or permission of said trustees on any of said streets or public grounds or in the cemetery.

11. To prohibit theatrical exhibitions, circuses, menageries, and other exhibitions or shows without a license from the trustees; to grant such licenses upon the payment of such sum as they shall think proper, and to prescribe the place and time of such performances and shows.

12. To restrain and suppress public billiard tables, bowling alleys, pistol galleries, gaming-houses and brothels within said village.

13. To prohibit or to regulate the times and places of bathing and swimming in all waters in said village.

14. To prohibit the burial of dead bodies within said village, except in the cemetery thereof.

Trustees to have the same power as commissioners of highways.

§ 14. The trustees shall have the same powers in relation to roads and highways, within such village to be exercised in the same manner and subject to the same appeal as by law provided for commissioners of highways in this state, except in regard to town bridges, and they shall have the further power of opening and maintaining streets or highways of widths more than four and less than three rods, but not more than six rods nor less than ten feet.

Firemen, how appointed.

§ 15. The trustees may appoint not more than twenty-five firemen to each of two engine companies, and not more than twenty-five members of one hook and ladder company, who shall be subject to such regulations as the trustees may prescribe, and shall be entitled to the privileges and immunities of firemen under the laws of this state.

Taxes, how levied and collected.

§ 16. Whenever the electors of such village shall, pursuant to the provisions of this act, direct any sum or sums of money to be raised by tax, it shall be the duty of the assessor or assessors of such village to make out and complete a list and statement of all persons owning property in such village liable to be assessed for taxes, and of the amount of such property owned by each per-

son ; such statement being based upon the last preceding assessment roll of the town of Cazenovia, and shall deliver the same to the trustees of said village within twenty days after the meeting at which such tax was directed to be raised.

§ 17. Such village shall be a separate road district, and all assessments of highway labor in such village shall be paid and collected in money, at and after the rate of sixty-three cents for each day's labor; but any inhabitant not owning real or personal property in such village liable to assessment for highway labor, shall be allowed to work out his assessment in the manner now provided by law, subject to the direction of the street commissioner.

Separate
road dis-
trict.

§ 18. The clerk shall publish for at least one week in some newspaper published in such village, or if there be none, then by printed notice posted in not less than ten of the most public places in such village, a notice that the list and statement required by section fifteen are returned to his office, and all persons interested may examine the same with a view to apply to the trustees for the correction of any error therein. The trustees shall assign a day to hear applications to correct the said list and statements, which shall be specified in the notice published as above provided, and shall not be less than ten days after the first publication of said notice; when they shall proceed to hear and determine the said applications, and therein shall receive in evidence the oath of the party, to be administered by the president or clerk of said village.

Clerk shall
give certain
notice.

§ 19. After correcting the said list and statements, the trustees shall return the same to the assessor or assessors, who shall assess all taxes raised in said village in that year, except the highway tax, upon the persons mentioned in said list, in proportion to the amount of their taxable property, as therein specified.

Trustees to
correct as-
sessment
lists.

§ 20. The trustees shall, after correcting the said list and statements, determine the amount of highway tax to be assessed in that year, which shall not be less than two dollars for each and every taxable inhabitant in said village, and shall give a certificate of such determination to the assessor or assessors, who shall proceed to assess the same as follows :

Trustees to
determine
amount of
highway
tax.

1. Every male inhabitant of the age of twenty-one

years, except such persons as are by statute exempt from taxation, shall be assessed one day's work.

2. The residue of said highway tax shall be assessed upon the persons mentioned in said list and statements, in proportion to the amount of their taxable property, as therein specified.

Trustees to
deliver list
to collector.

§ 21. The trustees shall deliver to the collector of said village a copy of such list and statement, and of the assessment of taxes made therein, with their warrant, signed by them, authorizing and directing him to collect the said taxes.

Bond of
collector.

§ 22. Before the collector shall receive any warrant for the collection of taxes, he shall execute to such village, by its corporate name, and deliver to the trustees thereof, a bond with sufficient sureties, to be approved by them, by a certificate of approval, signed by them and indorsed thereon, conditioned for the faithful performance of his official duties; and if he shall neglect to execute and deliver to the trustees such bond within three days after being notified by the clerk or president to do so, his office shall be vacant.

Duties of
collector.

§ 23. It shall be the duty of such collector, within the time prescribed in any such warrant for the collection thereof, to collect all such sums of money as he shall be thereby required to collect, which can be collected by him, together with the per centage thereon allowed to him, according to section thirty-five of this act; to pay over all such sums, collected by him, to the treasurer of such village, and to return such warrant to the trustees with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him by reason of his being unable to find property in such village out of which he could collect the same; and if any sum be returned by him not collected, his return shall be accompanied by his affidavit that the facts therein stated are true. All taxes voted to be raised in such village shall be collected, as far as practicable, in conformity with the provisions of law in respect to the collection of taxes by town collectors, and the village collector shall have the same powers for the collection of taxes, subject to the same requirements, as are by law prescribed in relation to town collectors.

§ 24. Before the treasurer of such village shall enter upon the duties of his office, he shall execute to such village, by its corporate name, and deliver to the trustees thereof, a bond with sufficient sureties, to be approved by them by a certificate of such approval, signed by them and indorsed thereon, conditioned for the faithful performance of his official duties; and if he shall neglect to execute and deliver to the trustees such bond within three days after being notified by the president or clerk to do so, his office shall be vacant.

Bond of
treasurer.

§ 25. Such treasurer shall receive and safely keep, and he shall pay out when lawfully required to do so, all moneys belonging to such village; he shall keep accounts of all such moneys as by law or by direction of the trustees he shall be required to keep the same; he shall preserve all vouchers filed in his office; he shall comply with every law of the state, and with every by-law of such village legally adopted in respect to his duties; and he, or in case of his death, his executors or administrators, shall, on demand, deliver to his successors in office, on oath, all books and vouchers belonging to his office, and all money and other property in his or their custody, belonging to such village.

Treasurer,
his duties.

§ 26. The treasurer shall so keep his accounts as to show when and from what sources all moneys paid to him shall have been received, and to whom, and for what purpose, all moneys paid out by him shall have been paid.

Treasurer,
his accounts

§ 27. When any money shall have been raised by tax in such village for any specific purpose, or by a vote or resolution of the electors thereof, shall be directed to be applied to any specific purpose, the treasurer shall keep a separate account of such money, which shall show the amount thereof received by him, and when and to whom any portion thereof shall have been paid.

Money
raised by
tax to be
specifically
applied.

§ 28. No payment shall be made by the treasurer from any money belonging to such village, except upon the warrant of the trustees, signed by the president, or trustee presiding at the meeting at which the same shall have been allowed, and the clerk; and specifying the fund from which it is payable; and when any such warrant shall be paid, the treasurer shall file and keep the same as a voucher.

No pay-
ments to be
made ex-
cept on
warrant of
trustees.

Clerk, his powers and duties.

§ 29. The clerk of such village shall have the custody of, and shall safely keep, all the records, books and papers thereof, except such as may pertain to the treasurer's office; he shall attend the meetings of the trustees and record their proceedings; he shall file all papers and record all matters which he shall by law or by the by-laws of such village be required to file or record; he shall attend all meetings of the electors of such village, and keep a poll list at such meetings when required by the trustees to do so; he shall record the by-laws of such village, the drawing of every warrant by the trustees upon the treasurer, the number thereof, and the account for which it shall be drawn; all appointments made by the trustees, all of which shall be by resolution; he shall perform such other duties as shall be lawfully imposed on him by the by-laws of said village; and he, or in case of his death, his executors or administrators, shall, on demand, deliver to his successor in office, on oath, all records, books, papers and other property of such village in his or their custody.

Records to be delivered by incumbent to his successor.

§ 30. The delivery of records, books, vouchers, money and other property of such village, to the successor in office of a treasurer or clerk, may be enforced in the manner prescribed in the fifth article of the sixth title of the fifth chapter of the first part of the Revised Statutes.

Street commissioners, their powers.

§ 31. The street commissioner or commissioners shall exercise, within the limits of such village, the same powers with those of overseers of highways, subject to the direction of the trustees, and shall receive such compensation as shall be allowed by them, not exceeding that allowed by law to overseers of highways.

Trustees of cemetery, how elected, their powers and duties.

§ 32. The trustees of the cemetery shall be elected one every year, to hold office for three years; but at the election first succeeding the passage of this act three such trustees shall be elected, the duration of whose terms of office shall be respectively for one, two and three years, and shall be determined by lot, by the clerk of the village, and entered by him on the records. It shall be their duty, without compensation, except such as may be allowed by the trustees for time actually spent and labor performed, to take charge of the cemetery, with the hearses and other conveniences for the burial of the dead belonging to said village; to attend to and direct all uses, im-

provements and maintenance thereof; and the sales and improvements of the lots therein; to receive all moneys arising from such sales, and all moneys raised by tax or otherwise for the said cemetery, and to expend the same thereon in their discretion, subject, however, to the direction of the electors of such village, by resolution, at any regularly called meeting; they shall keep an account of all receipts and expenditures open to public examination at any time, and shall render a report of their acts for the previous year at every annual meeting of the electors.

§ 33. The fire warden or wardens shall, from time to time, under the direction of the trustees, examine the fire engines and other apparatus for extinguishing fires in such village, and report their condition to the trustees; they shall attend such fires as may occur, and give directions in respect to the manner of extinguishing the same, and it shall be the duty of the persons present at such fires, to obey such directions; they may, in the daytime, enter any building in such village in which there may be any fireplace, stove, stove pipe or flue, for the purpose of examining the same; they may also, in the daytime, enter upon any premises for the purpose of ascertaining whether ashes are safely kept thereon; and if they shall find any fireplace, stove, or stove pipe, flue or place of keeping ashes unsafe, they shall report the same to the trustees. The trustees may appoint any one fire warden chief engineer, and in case of such appointment, he shall take sole charge of all reservoirs, apparatus for the extinguishment of fires, and the buildings containing the same, and shall have the command and direction of all persons and apparatus for the extinguishment of fires. In case of his absence or inability to act, his duties shall devolve upon such substitute as the trustees may appoint.

Fire
wardens.

§ 34. The weighmaster shall have the custody of the public scales, under such rules as the trustees may prescribe.

Weigh-
master.

§ 35. The collector, treasurer, assessors, fire wardens, street commissioner and weighmaster shall receive such compensation for their services as the electors may, by resolution, at any regularly called meeting, direct; or in the want of such direction, as the trustees may, by resolution, allow.

Collector,
treasurer
and assess-
ors.

§ 36. The pound master shall exercise the powers and

Pound
master.

be subject to the requirements prescribed for pound masters in the general act, passed December seventh, eighteen hundred and forty-seven, chapter four hundred and twenty-six of the laws of that year.

Taxes may
be laid for
certain
purposes.

§ 37. At any meeting of the electors of such village, duly called by the trustees, in the manner prescribed by this act, those of the persons entitled to vote at elections of such village who shall own property liable to be assessed for taxes therein, and no others, may by resolution direct the trustees to cause to be raised by a general tax upon the taxable property liable to be assessed for taxes in such village, taxes for the following purposes and no others; and the entire amount of such taxes shall not exceed in any one year the amount of one thousand dollars:

Fire en-
gines, hook
and ladders,
&c.

1. For procuring and maintaining three fire engines and the necessary apparatus therefor; also for the procuring and maintaining the proper implements for one hook and ladder company; also for procuring the necessary grounds and buildings for said engines and implements, either by purchase, construction or rent.

Public
reservoirs
or hydrants.

2. For making and maintaining public reservoirs or hydrants for the extinguishment of fires, or for procuring the public use of such supplies of water as may be procurable from private persons or associations, by an annual payment or rent. Such reservoirs or hydrants shall not be constructed unless authorized by a vote of the majority of the persons authorized to vote for taxes, present and voting at a regular or special meeting of electors called as provided by this act; nor shall any contract be made for the procuring of supplies of water from private persons or associations without a similar vote of two-thirds of such persons authorized to vote taxes present and voting at such meeting. But in case two-thirds of such persons so present and voting shall, by resolution, authorize the trustees so to do, it shall be lawful for them to contract with private persons or associations for such supplies of water for the consideration of an annual rent not to exceed two hundred and fifty dollars, and such contract shall be binding upon the trustees and inhabitants of such village for the term for which it may be made, and the rent thereby secured shall be a debt against the said village.

To be au-
thorized by
vote.

3. For procuring a site for a village pound, erecting and maintaining the same. Village pound.
 4. For enlarging, fencing or improving the cemetery, and providing hearses and other conveniences for the burial of the dead. Cemetery.
 5. For insuring the public property of said village.
 6. For prosecuting and defending suits in which such village shall be a party. Suits.
 7. For procuring books and stationery for village records and accounts; for publishing by-laws, notices of village meetings, statements of accounts, canvasses of village elections and other publications relative to the public business of said village. Books, stationery and printing.
 8. For compensating the officers of the village, subject to the provisions of this act.
 9. For purchasing, constructing and maintaining public hay scales, and a village clock. Hay scales.
 10. For improving and maintaining all public grounds of such village. Public grounds.
 11. For lighting the streets and public grounds of said village.
 12. For miscellaneous purposes, to be expended in the discretion of the trustees; but no sum shall be voted for such purposes exceeding fifty dollars at any single meeting, and all money belonging to said village derived from the public scales, fines and penalties, and licenses for shows, may be so expended unless otherwise directed and appropriated by the electors at a regularly called meeting. Miscellaneous purposes.
- § 38. No tax shall be voted to be raised at any meeting in such village, unless notice of holding such meeting, required by this act to be given, shall specify the amount and objects of such tax, and the specific sum required or proposed to be raised for each object, and shall state that such meeting will be called upon to vote in respect to raising the sum or sums so specified. Notices to be given.
- § 39. Every resolution adopted at any such meeting shall distinctly specify the objects for which such tax shall be directed to be raised, and the sum to be applied to each of such objects, otherwise such resolution shall be absolutely void. Objects of taxes must be specified.
- § 40. Any sum specified in such notice, and proposed to be raised by tax for any specific object, may be reduced, Vote of election on taxes to be

taken on
each item
separately.

but shall not be increased before the final vote in respect to directing the same to be so raised; the final vote in respect to raising every such sum shall be taken separately, and shall be in form a distinct and separate resolution, and shall be so entered upon the record of the proceedings of such meeting. Every vote to raise any sum of money in such village, which shall not be taken as herein provided, shall be absolutely void.

Moneys
raised shall
be speci-
fically ap-
plied.

§ 41. Whenever money shall be raised by tax in such village for any specific purpose, it shall not be applied to any other purpose without such a vote directing such application as was required to authorize the raising thereof, nor shall any money belonging to said village, derived from any source whatever, excepting as by this act distinctly specified and allowed, be applied to any purpose whatever, without such a vote directing its specific application.

Power to
borrow
money
limited.

§ 42. Such village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advanced on its behalf by its officers or any other person; except that money so borrowed or advances so made, may be paid, if directed by a vote of two-thirds of all the persons authorized to vote for taxes, present and voting at a regularly called meeting of the electors. And such village shall incur no debt or liability beyond the amount of taxes applicable to the payment of such debts and liabilities which shall have been voted to be raised in such village according to law.

Officers
continued
in office.

§ 43. The present officers of said village are hereby continued in office, until the first Tuesday of January, eighteen hundred and sixty; and the present ordinances or by-laws of said village shall not become void or invalid by this change of the charter, but shall continue binding and valid until they are repealed or modified by the trustees. But with such restrictions and exceptions, this act shall take effect immediately, and all previous acts incorporating the said village, or amending the charter thereof, shall be repealed.

§ 44. The legislature may at any time alter, modify, or repeal this act.

Chap. 117.

AN ACT to amend the charter of the University of Buffalo, and to authorize it to establish and maintain an academical school.

Passed April 4, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The university of Buffalo is authorized to found, establish, maintain and regulate, in the city of Buffalo, a school for the academical instruction of young men, preparatory to a collegiate education, and to provide therein, or in its academical department, when founded, or both, for instruction in practical mechanical science, mining, engineering, and in the science of teaching.

May establish an academy.

§ 2. The university shall have power to receive, hold, and use, for the foundation and support, and for the enlargement and improvement of said school, gifts of money and personal property, and of real estate, by devise, bequest, or otherwise, subject to such conditions and limitations, if any, not inconsistent with the purposes of general education, as the donors may lawfully impose.

May hold real and personal estate.

§ 3. When the said school shall be organized, the council of said university may, in its discretion, by a vote of two-thirds of its members, duly certified and transmitted to the secretary of the board of regents of the university of the state of New York, subject it to the visitation and control of the regents of the university, in the same manner as the incorporated academies of this state, and thereupon the said school shall become and be entitled to participate in the distribution of the income of the literature fund and United States deposit fund, and to all other patronage and benefits accruing from such visitation, in the same manner and to the same extent as though it were an incorporated academy.

To be subject to the regents of the university.

§ 4. In case the said university shall, by the voluntary gift, grant, or devise of any person or persons, become vested with any real estate in the city of Buffalo, to be used for the purpose of erecting thereon suitable build-

ings for the uses and purposes of such university, then such real estate, including the buildings when erected, shall be exempt from sale on execution for debts thereafter contracted by said university, so long as the same shall be used by said university for the purposes of said university, and the said university shall not encumber the same by mortgages or otherwise.

To execute
a declara-
tion.

§ 5. To entitle the said real estate to such exemption, the said university shall execute a declaration, under its corporate seal, containing a particular description of such real estate, which declaration shall be recorded in the office of the clerk of the county of Erie, and such exemption shall take effect from and after the date of such record.

§ 6. This act shall take effect immediately.

Chap. 118.

AN ACT to legalize certain action of the Common Council of the city and county of New York.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Resolution
of common
council
legalized.

SECTION 1. That the resolution passed July thirtieth, eighteen hundred and fifty-eight, by the common council of the city and county of New York, in the following words, viz. :

“ *Resolved*, That the mayor, aldermen and commonalty of the city of New York, lease to the institution known as the ‘Orphan’s Home,’ for a term of twenty years, that plot of ground belonging to the city bounded by Forty-eighth and Forty-ninth streets, Lexington and Fourth avenues, at a yearly rent of one dollar, provided said land is used only for the ‘Orphan’s Home,’ and providing the lease is confirmed by the legislature of the state,” is hereby declared to be lawful and of binding force.

§ 2. This act shall take effect immediately.

Chap. 119.

AN ACT to authorize the reduction of the capital stock of the Kingston Bank, of Kingston, Ulster county.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for, and the directors of the Kingston Bank are hereby authorized, at any time within sixty days after the passage of this act, to reduce the capital thereof to an amount which, in their judgment, shall be then equal to the value of the property and effects of such bank, above and beyond its debts and liabilities ; and thenceforth the capital of such bank shall be such reduced amount, and the par value of the shares thereof shall be reduced in the same proportion : provided, that in case such reduction of said capital be to an amount less than one hundred thousand dollars, the stockholders of said bank shall make up the same to an amount not less than one hundred thousand dollars ; and provided further, that such reduction shall in no way effect a change in the liability of said bank to contribute to the safety fund for the full amount of its original capital.

Capital may be reduced, and how.

§ 2. Whenever the directors of said bank shall propose to reduce the capital thereof as in the last section provided, notice thereof shall be given to the superintendent of the bank department, whose duty it shall be forthwith to make, or cause to be made, an examination of the books, property and effects of said bank, upon which examination the officers and directors, or any other person, may be examined on oath as to the debts, liabilities, property and effects thereof ; such superintendent shall thereupon fix in writing, the value, in his judgment, of such property and effects above and beyond the debts and liabilities aforesaid, and it shall not be lawful to reduce such capital to an amount less than the value so fixed by the said superintendent. The expense of the examination herein provided for by the superintendent of the banking department, shall be paid by said bank.

Notice to be given to superintendent of bank department.

President
and cashier
to make
inventory.

§ 3. It shall be the duty of the president and cashier of the Kingston Bank, forthwith to prepare a full and complete inventory and statement of the assets, property and credits of said bank, and also of their debts and liabilities, as they existed on the first day of March, one thousand eight hundred and fifty-nine; and they shall therein specify particularly the several notes, obligations and evidences of indebtedness belonging to said bank; the time when they respectively originated, and when they, and each of them, respectively, became due, or will become due and payable; the names of all the parties, whether makers or indorsers, principals or sureties, to each note, obligation or evidence of indebtedness, and whether any, and if any, what collateral securities are held therefor; the claims in suit, and also those in judgment, and the condition and situation thereof: and all other facts and particulars which may be necessary to exhibit the true situation and condition of the assets and property of the said bank, and they shall also, in such statement, particularly specify the several debts and liabilities of said bank, and the nature and character of each and every of them, and to whom due or payable; and as to all liabilities for attorney or counsel fees, show the amount thereof, and the particular suits and transactions in which the same originated or were incurred: and that such statement, after being thus prepared, shall be verified by the oaths of the said officers, and kept in said bank, open to the inspection and examination of all or any of the stockholders thereof.

§ 4. This act shall take effect immediately.

Chap. 120.

AN ACT to release to Aaron Remsen the title of this state, acquired by escheat, in and to certain lands, and to confirm his title thereto.

Passed April 5, 1859; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the people of the state of New York in and to all that certain tract or parcel of land situate in the town of Lyons, in the village of Lyons, being the south end of all that certain tract or parcel of land particularly described in a deed from John Wofer and wife to George W. Cramer, dated the twenty-first day of May, in the year one thousand eight hundred and forty-five, and recorded in the Wayne county clerk's office, in liber thirty-seven of deeds, at folio three hundred and fifty-two, to be divided by a line running parallel with the north line of the turnpike road, and distant therefrom one hundred and forty-four feet north, containing one-quarter of an acre of land, more or less, which has been acquired by said state by means of the alienage of George Elphick, late of Lyons, deceased, David Elphick, Fanny Elphick, and Celia Elphick, or any of them, are hereby released to Aaron Remsen, of Lyons in the county of Wayne; and the deed from said David Elphick, Fanny Elphick and Celia Elphick to said Aaron Remsen of the above described premises, dated the third day of November, in the year one thousand eight hundred and fifty-eight, and recorded in the Wayne county clerk's office, the seventh day of February, in the year one thousand eight hundred and fifty-nine, shall have the same force, effect and validity, and confer the same title, as if the said George Elphick, deceased, David Elphick, Fanny Elphick and Celia Elphick had always been citizens of the United States.

Release of
title of state
to real es-
tate to
Aaron
Remsen.

§ 2. This act shall not affect any trust, judgment, mortgage or other lien upon the said premises at the time of the passage of this act.

Chap. 121.

AN ACT amending "An act to provide for the laying out and construction of a road from Dickinson Center, south, through townships numbers ten, thirteen, sixteen, nineteen, twenty-two and twenty-five, in the county of Franklin," passed April seventeenth, eighteen hundred and fifty-four.

Passed April 5, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Sections six and seven of the act entitled "An act to provide for the laying out and construction of a road from Dickinson Center, south, through townships numbers ten, thirteen, sixteen, nineteen, twenty-two and twenty-five, in the county of Franklin," passed April seventeenth, eighteen hundred and fifty-four, are hereby repealed.

§ 2. It shall be the duty of the commissioners named in the act hereby amended, at the next meeting of the board of town auditors of the said town of Dickinson, to render under oath a full and detailed account of all moneys received by them, under the provisions of said act and the manner in which the same has been expended, and said commissioners shall, annually, during their term of office, render a like account to said board.

§ 3. This act shall take effect immediately.

Chap. 122.

AN ACT authorizing the election of trustees and other officers in the village of Fonda.

Passed April 5, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. An election of trustees and other village officers of the village of Fonda, in the county of Montgomery, shall be held on the first Tuesday of May next, subject to the provisions of the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, relative to the election of trustees and other officers of the villages incorporated under and by provisions of said act, except so much of said act as requires said election to be held on the first Tuesday of March.

§ 2. The trustees and other officers of said village, elected on the first Tuesday of March, eighteen hundred and fifty-eight, shall hold their respective offices until others shall be elected in their places.

§ 3. Cattle, horses, sheep, swine or geese shall not be permitted to go at large in any of the highways, streets or public places in said village of Fonda, without subjecting the owners thereof to the penalties specified in the by-laws thereof.

§ 4. This act shall take effect immediately.

Chap. 123.

AN ACT in relation to the "Seneca Falls and Waterloo Gas Light Company," and to confirm the organization of said company.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The "Seneca Falls and Waterloo Gas Light Company" are hereby authorized to manufacture and sell illuminating gas for lighting the streets, public grounds public and private buildings, and other places in the villages of Seneca Falls and Waterloo, and in the towns of Seneca Falls, Waterloo and Fayette, in the county of Seneca ; and the proceedings in organization and formation of said company are hereby confirmed and legalized ; but nothing in this act contained shall affect any action or proceedings now instituted in which said company is a party.

§ 2. This act shall take effect immediately.

Chap 124.

AN ACT to provide for the sale and conveyance of property owned by the stockholders and trustees of Half Moon Academy.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Aaron N. Knights, Lucius M. Smith, Wy-nant G. Vandenberg, Chauncey Boughton, Hiram Morse, Samuel Peters, John Van Voorhes, Daniel Baucus, Abram Sickler, Minard Filkins, Alfred Noxon and William J. Groesbeck, trustees of Half Moon Academy, are hereby

authorized to sell and convey the real and personal property belonging to the said academy.

§ 2. Said trustees are hereby required, after paying from the proceeds of such sale all just claims, if any, against said academy, to apportion the balance of such proceeds, if any, to the several shareholders in the property of said academy, according to the amount of stock held by each of said shareholders in said real and personal property aforesaid.

Balance of
proceeds to
be appor-
tioned.

§ 3. This act shall take effect immediately.

Chap. 125.

AN ACT to amend an act entitled "An act to make the village of Ellicottville a separate road district," passed June eighteen, eighteen hundred and fifty-three.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seven of the act entitled "An act to make the village of Ellicottville a separate road district," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 126.

AN ACT for the relief of the Black River Steam-boat Company.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the collection and payment of the balance due upon the capital stock of the Black

River Steamboat Company, which was organized on the twenty-fourth day of April, eighteen hundred and fifty-six, and a copy of their charter filed in the office of the secretary of state on the thirtieth day of April, eighteen hundred and fifty-six, is hereby extended till the first day of April, eighteen hundred and sixty.

§ 2. This act shall take effect immediately.

Chap. 127.

AN ACT to increase the number of coroners in Queens county.

Passed April 5, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows :

To have 6 coroners.

SECTION 1. From and after the first Tuesday of November next, the county of Queens shall be entitled to have six coroners.

Election of 2 coroners.

SECTION 2. On the first Tuesday of November next, it shall be lawful for the electors of Queens county, to elect two coroners in addition to the four coroners now in said county.

Each town to have one coroner.

SECTION 3. The coroners of the county of Queens shall be so chosen that one coroner shall reside in each town of said county.

Justice of the peace to officiate in case of death or removal.

SECTION 4. In case of the death, sickness, removal or incapacity of any coroner in the county of Queens, to serve, the nearest justice of the peace in said county shall officiate as such coroner, receive the same fees, and be under the same responsibilities, as though he was duly elected coroner by the people.

SECTION 5. This act shall take effect immediately.

Chap. 128.

AN ACT to authorize the county clerk of the county of Wayne to record certain deeds.

Passed April 5, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the clerk of the county of Wayne to record in the deed books of his office, where other deeds are recorded, the following deeds. viz. : One purporting to have been executed by Job Booth and Sophia his wife, to Martin Harris, bearing date the twenty-fourth day of August, eighteen hundred and three ; also, one purporting to have been executed by William Wilcox to Stephen Sanford, bearing date the ninth day of October, eighteen hundred and five ; also, one purporting to have been executed by Martin Harris to Stephen Sanford, bearing date the fifth day of July, eighteen hundred and six, notwithstanding neither have been acknowledged ; but the records of said deeds shall have no other effect as evidence than the originals would have if produced.

Deeds to be recorded.

SECTION 2. This act shall take effect immediately.

Chap. 129.

AN ACT to provide for the appointment of the Superintendent of Public Instruction as one of the Trustees of the State Asylum for Idiots.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The state superintendent of public instruction shall hereafter be, by virtue of his office, a trustee of the state asylum for idiots.

Trustee of asylum for idiots.

§ 2. This act shall take effect immediately.

Chap. 130.

AN ACT to continue in force an act entitled "An act to incorporate the Binghamton Water Works Company," passed April thirteenth, eighteen hundred and fifty-seven.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act extend-
ed.

SECTION 1. The provisions of the act entitled "An act to incorporate the Binghamton Water Works Company," passed April thirteenth, eighteen hundred and fifty-seven, are hereby extended, and all the powers granted to the corporators named therein are continued in force the same as if the organization of said corporation had been had within one year from the passage of said act, as provided by part first, chapter eighteen, title three of the Revised Statutes of this state.

SECTION 2. This act shall take effect immediately.

Chap. 131.

AN ACT to sell and divide the property of the Groton Library Society.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

To sell or
divide
books and
pictures.

SECTION 1. The trustees and stockholders of Groton Library Society, or a majority of them, are hereby authorized to sell or divide the books and pictures of said library society, on the first Monday of June, eighteen hundred and fifty-nine, at one o'clock P. M., at the office of the librarian thereof.

§ 2. It shall be the duty of said librarian to cause notices of such sale or division to be posted in at least three

public places in the said town of Groton, for at least thirty days previous to the aforesaid time, for the sale or division of said property.

§ 3. The property, if divided, or the proceeds thereof, if sold, shall be apportioned among the respective stockholders, in proportion to the amount of stock owned by each.

Proceeds to
be appor-
tioned.

§ 4. This act shall take effect immediately.

Chap. 132.

AN ACT for the relief of the Trustees of the First Methodist Episcopal Church in Cortlandville.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the First Methodist Episcopal church, of the town of Cortlandville, in the county of Cortland, are hereby authorized and empowered to release and convey to David R. Hubbard a piece of land on lot number seventy-five, in Cortlandville, conveyed to said trustees by Solomon Hubbard and wife, in the year eighteen hundred and thirty-one, containing about one acre of land, whenever said David R. Hubbard shall have conveyed to the trustees of the "Cortland Rural Cemetery" two acres or thereabouts of land lying contiguous to the grounds of said Rural Cemetery.

Trustees
authorized
to convey
land to
David R.
Hubbard.

§ 2. The trustees of said "Cortland Rural Cemetery" are hereby authorized and empowered to remove from said one acre of land, to their cemetery, the bodies of all persons interred in said lot of land so conveyed by said Solomon Hubbard, provided the same be done in a suitable and proper manner, and at the expense of said "Rural Cemetery" association.

§ 3. This act shall take effect immediately.

Chap. 133.

AN ACT to amend the charter of the Irving Fire Insurance Company.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Number of
directors
reduced to
25.

SECTION 1. It shall be lawful for the Irving Fire Insurance Company in the city of New York, an incorporated institution formed pursuant to the provisions of the act entitled "An act to provide for the incorporation of insurance companies," passed April tenth, eighteen hundred and forty-nine, by charter filed in the office of secretary of state on the twenty-ninth day of January, eighteen hundred and fifty-two, to reduce the number of directors of said corporation to twenty-five, a majority of whom shall be citizens of this state; such reduction to be made from time to time as the terms of the directors shall cease, or either of them be disqualified to act as directors according to the terms of the charter of said corporation; and it shall be also lawful for the said corporation, with such reduced number of directors, to transact the business of said corporation as specified and enumerated in the said charter.

§ 2. This act shall take effect immediately.

Chap. 134.

An act to amend an act entitled "An act to extend the exemption of household furniture and working tools from distress for rent, and sale under execution," passed April eleventh, eighteen hundred and forty-two.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of an act entitled "An act to extend the exemption of household furniture and working tools from distress for rent and sale under execution," passed April eleventh, eighteen hundred and forty-two, is hereby amended so as to read as follows: In addition to the articles now exempt by law from levy and sale under execution, there shall be exempted from such sale, necessary household furniture, and working tools and team, owned by any person being a householder or having a family for which he provides, to the value of not exceeding two hundred and fifty dollars, and in addition thereto, there shall also be exempted from such levy and sale, the necessary food for said team for a period not exceeding ninety days; provided that such exemption shall not extend to any execution issued on a demand for the purchase money of such furniture, or tools, or team, or the food for said team, or the articles now enumerated by law.

Chap. 135.

AN ACT to incorporate the Jefferson County Savings Bank.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators

SECTION 1. Jason Clark, Adriel Ely, James I. Steele, Abner Baker, Bernard Bagley, William Estes, Patrick O'Dougherty, Alonzo Maxon, Clark Hewitt, Ambrose W. Clark, Orlen Wheelock, John E. Dodge, Willard Ives, Benjamin F. Hotchkins, Lafayette J. Bigelow, Peter Haas, Charles B. Hoard, Merritt Andrus, Charles D. Smith, Fred. Emerson, D. C. Tomlinson, and John L. Marsh, and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of the Jefferson County Savings Bank, and by that name shall have perpetual succession, and may sue and be sued in any court whatever, and shall be located in the village of Watertown, Jefferson county New York.

May hold certain real estate.

§ 2. The real estate which it shall be lawful for said corporation to purchase, hold and convey, shall be:

1. Such as may be requisite for its immediate accommodation for the transaction of its business.

2. Such as shall have been mortgaged to it in good faith, for money loaned in pursuance of the provisions of this act, and such as shall be embraced in mortgages assigned to it as collateral or further security.

3. Such as shall have been purchased at sales upon judgment or decrees obtained or rendered for moneys loaned in pursuance of the provisions of this act. And the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section shall be sold by the said corporation within five years after the same shall be vested in it, by purchase or otherwise, and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, or commodities whatever, except in the cases where it is authorized to

do so by the terms of this act, and except such personal property as may be requisite for the immediate accommodation for the transaction of business.

§ 3. The trustees of said corporation shall not receive any pay or emolument for their services.

Trustees
shall re-
ceive no pay
Number of
trustees, &c

§ 4. The business of said corporation shall be managed and directed by a board of twenty-two trustees, who shall elect from their number a president, vice-president and secretary, and such other officers as they may see fit and proper for the transaction of business; twelve of said trustees, of whom the president or vice-president shall be one, shall form a quorum for the transaction of business, and the assent of at least nine members shall be requisite in making any order for, or authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to or deposited with the corporation, or for the appointment of any officer or officers receiving any salary therefrom.

§ 5. The persons named in the first section of this act shall be the first trustees of the said corporation; and all vacancies by death, or resignation, or otherwise, in the said board of trustees, shall be filled by the board, or a majority of it, by resolution, without unnecessary delay. The said trustees shall hold regular meetings at such time and at such place as a majority of them may agree upon, to receive the report of their officers as to the business affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon be considered as having vacated his place, and a successor may be appointed to fill the vacancy.

First
trustees.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit, such sums of money as may be from time to time offered therefor, by farmers, mechanics, tradesmen, merchants, clerks, laborers, minors and others, in such sums and on such terms as are allowed by this act, with power to invest the same in the securities or stocks of this state, or of the United States, or in the stocks, or bonds or other securities of the county of Jefferson, authorized by law to be issued, or to loan the same on the securities of the

General
business
and objects
of corpora-
tion.

said stocks, bonds or such other securities as are authorized by this act; and also in amounts not exceeding in the aggregate five thousand dollars to any one individual, upon bonds secured by mortgage on productive unincumbered real estate, located within the county of Jefferson, worth at least double the amount loaned thereon, for the use, interest and advantage of the said depositors and their legal representatives. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security may be required of the borrower; and all expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower; and the said corporation shall receive as deposit, from persons aforementioned, all sums of money which may be offered for the purpose of such deposit, but it shall not be obliged to receive any deposit less than one dollar, nor shall they be allowed to receive any deposit or deposits, from any one person, exceeding three thousand dollars, which sums of money shall, as soon as practicable, be invested as in this act provided, and shall be repaid to such depositor or depositors when required, at such times, with such interest, and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be printed and put in some public and conspicuous place in the room where the business of said corporation shall be transacted, or a copy thereof be delivered to each of the depositors in said corporation. No president, vice-president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation or its deposits, or in any manner use the same, or any part thereof, except to pay the necessary expenses, under the direction of the said board of trustees. All certificates or other evidences of deposit, made by the proper officer of such corporation, shall be as binding upon the corporation as if they were made under the common seal. It shall be the duty of the trustees of said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of said corporation, after deducting the necessary expenses.

Trustees
may make
by laws.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make, constitute, or-

tain and establish such by-laws, rules and regulations as they shall deem proper for the election of their officers, prescribing their respective functions or duty, and the mode of discharging the same; for the regulation of the times of meeting of the trustees; and generally, for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of the state of New York or of the United States.

§ 8. The subordinate officers and agents of the said corporation shall respectively give such security for their fidelity and good conduct as the board of trustees may from time to time require, and said board shall fix the salaries of such officers and agents.

Officers to give security.

§ 9. The books of said corporation shall at all times, during its hours of business, be open for inspection and examination to the superintendent of the bank department of the state of New York, and such other person or persons as the superintendent aforesaid or the legislature shall designate as agents for that purpose.

Books to be open for inspection

§ 10. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing or payment of the same, and the check, pass book, receipt or acquittance of such minor shall be as valid as if the same was executed by the guardian of such minor, if such deposit was made personally by said minor; and when deposit shall be made by any female, being or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor such sum as may be due her, and her receipt or acquittance shall be a sufficient discharge to said corporation.

Deposits may be made and withdrawn by minors and married women.

§ 11. The board of trustees shall, on or before the twenty-fifth day of January and the twenty-fifth day of July in each year, make such report to the superintendent of the bank department of the state of New York as is or may be required by law, and shall be subject to all the provisions of an act entitled "An act in relation to savings banks," passed March *twentyeth, eighteen hund-

Report to be made.

* So in original.

red and fifty-seven. The misnomer of said corporation, in any instrument in writing, shall not vitiate nor impair the same if it be sufficiently described to ascertain the intention of the parties.

Trustees
shall invest
funds of
corporation.

§ 12. It shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds secured by mortgages or otherwise, as provided for in this act, all sums received by them beyond an available sum of not exceeding one-third of the amount so received, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct.

General
provisions.

§ 13. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, as far as the same are applicable and not repugnant to this act; subject also to the power of the supreme court to appoint one or more persons to examine into the investments and affairs of said corporation. The books, papers and business of said corporation shall be open and subject to the examination of such person or persons, and the trustees, officers and agents thereof, or any other person, may be examined on oath by the person or persons appointed by the said supreme court; and the said court may confer such further powers on the person or persons appointed as may be considered necessary for the more thorough and perfect examination of the affairs and business of said corporation; the said person or persons so appointed shall report the result of their investigation to the said court, who, if satisfied thereby that any trustee, officer or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, make further order and take such further measures for receiving the funds and property of said corporation, as the said court shall deem expedient.

§ 14. This act shall take effect immediately.

Chap. 136.

AN ACT to repeal an act entitled "An act to incorporate the Sodus Bay Bridge Company," passed April ninth, eighteen hundred and nineteen.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to incorporate the Sodus Bay Bridge Company," passed April nine, eighteen hundred and nineteen, and all subsequent acts relating thereto or amending the same, are hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 137.

AN ACT to incorporate the Kane Monument Association in the city of New York.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Robert L. D. Coin, Francis L. Hawks, Thomas S. Somers, Sidney Kopman, John H. White, Marshall Lefferts, John W. Francis, Thomas Hicks, Samuel C. Thompson and George P. Androus and their successors, are hereby created a body corporate by the name of "The Kane Monument Association," for the purpose of erecting, in the city of New York, a monument in memory of Dr. Elisha Kent Kane, the Arctic explorer and navigator, with the right to receive, hold and enjoy, by grant, gift or devise, real and personal property for that purpose, and no other, with all incidental powers,

Names of
corporators.

privileges and liabilities, according to the laws now or hereafter affecting corporations in general; but nothing in this act shall authorize this association to collect or receive contributions in money, beyond the sum of twenty-five thousand dollars.

Board to be organized.

SECTION 2. The persons above named shall organize as a body or board to consist of a president, one or more vice-presidents, a recording secretary, a corresponding secretary, a treasurer and five directors, in whom all property and powers of the corporation shall be vested.

Vacancies, how filled.

SECTION 3. All vacancies shall be filled by the board. Three-fifths of all of the members of a full board shall constitute a quorum, the vote of a majority of whom, and the approval of the presiding officer, or of two-thirds without his approval, shall be necessary to give validity to its acts. But should any member or members fail to attend the regular meetings of the board for a period of three months, a majority of the attending members may declare the place or places of such non-attending member or members vacant, and may proceed to fill the same. They shall have a stated place of meeting in the city of New York, and shall meet at least once on each second Tuesday in the months of January, May and September, of each year, until or unless all business before the board shall be closed. They shall receive no compensation or reward for their services, except that the secretaries and treasurer may receive such reasonable compensation as the board shall allow; but the sum disbursed for salaries and all other incidental expenses, shall not at any time exceed ten per centum of the amount or value of contributions or acquisitions actually realized by the association.

Monument to be built within four years.

SECTION 4. The monument shall be built within four years from the passage of this act. All moneys belonging to the association shall be deposited in one or more of the trust companies, savings or other banks of the city of New York, approved by the board, to be withdrawn by such warrant or form as the board shall direct. The treasurer shall give satisfactory security for the due performance of his trust. In case of failure to erect a monument, all contributions, except such portion not exceeding ten per centum thereof, as shall have been expended as aforesaid, shall within one year after the

close of all business before the board, and on or before the expiration of five years from the passage of this act, be returned to the contributors upon their request. All contributions not called for in such event, or any surplus remaining over after the completion of such monument, if any, shall be duly transferred to such public library as the board shall direct, to be by the officers thereof duly expended in the purchase of books of the Arctic or other explorations, or of military and naval art and science.

SECTION 5. The board shall cause to be kept a journal or record of all their proceedings, and such books of account as shall be necessary to show the pecuniary transactions of the board; which journal or record and books of accounts shall be open to all contributors. Within six months after their organization, the board shall cause to be published in pamphlet form, not less than one hundred copies of this act, three to be kept by the board, and one to be distributed to each member thereof, and the residue to the public libraries of the city of New York, and to contributors. They shall also, within one year after their organization, and at the end of every six months thereafter, until the close of their labors, cause to be published in two of the daily newspapers of the city of New York, a list of the board and a brief account of their receipts and expenditures, the manner of such expenditures, and what progress has been made. They shall also, at the end of each year, until the close of their labors, cause to be published in pamphlet form, a full and accurate printed report of their receipts, expenditures and proceedings, of not less than one hundred copies, one of which shall be filed in the office of the clerk of the city and county of New York, one transmitted to the mayor, and one to the district attorney of the city and county of New York, and the residue to be distributed as hereinbefore provided, in respect of the pamphlet copies of this act.

Record
shall be
kept.

SECTION 6. The corporation shall be subject to the visitation of any of the courts of justice, which now are or hereafter may thereunto be empowered, for the purpose of preventing and redressing any mismanagement, waste or breach of trust. Any officer or agent who shall appropriate to his own use any of the funds or property of the association, or who shall be guilty of gross and criminal

Corpora-
tions sub-
ject to vis-
itation of
courts.

negligence in respect thereof, shall, in addition to his individual liability therefor, be deemed guilty of a felony, and upon conviction thereof, may be punished therefor, by a fine or imprisonment, or both; the fine to be in double of the amount so converted, and to be paid to the association, and the imprisonment not to exceed three years in the state prison.

Persons
defacing
monument.

SECTION 7. Any person who shall willfully or maliciously deface or otherwise injure any monument or memorial erected by this association, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and may be punished therefor, by fine or incarceration in the county jail, or both; such incarceration not to exceed one year.

Exemption
from tax-
ation.

SECTION 8. All property, real and personal, of the association, shall be exempt from taxation.

Term of
existence.

SECTION 9. This corporation shall expire in five years from the passage of this act.

SECTION 10. This act shall take effect immediately.

Chap. 138.

AN ACT to extend the time for the completion of the road of the Hicksville and Cold Spring Branch Railroad Company.

Passed April 5, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
completion
extended.

SECTION 1. The time for the completion of the road of the Hicksville and Cold Spring Branch Railroad Company, is hereby extended and continued, with liberty to continue or extend it from the point to which it is already built, by the proceedings in the manner contemplated by the general railroad act, when and as fast as the company may deem itself able to do so, by means of additional subscriptions or otherwise; and no prejudice to the corporate existence of the company, or to its present road, shall arise from the non-completion of the road within the time heretofore contemplated by law.

Chap. 139.

AN ACT to require the boards of supervisors of Erie and Chautauque counties to raise moneys to pay for the construction of a bridge across the Cattaraugus creek at Upper Irving, on the line between said counties.

Passed April 5, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Erie, are hereby required, at their next annual meeting, to cause to be levied and collected upon the taxable property of said county, or of such towns and wards thereof, and in such proportion as they shall deem just and equitable, for the purpose of paying for the construction of a bridge across the Cattaraugus creek, at Upper Irving, the sum of sixteen hundred and five dollars.

Tax to be levied in Erie county

§ 2. The board of supervisors of the county of Chautauque, are hereby required, at their next annual meeting, to cause to be levied and collected upon the taxable property of the town of Hanover, or upon the town of Hanover and such other towns in said county, and in such proportion as they shall deem just and equitable, for the purpose of paying for the construction of a bridge across Cattaraugus creek, at Upper Irving, the sum of sixteen hundred and five dollars.

Tax to be levied in Chautauque county.

§ 3 The treasurer of the county of Erie shall pay over, on the order of the commissioners of highways of the town of Brant, when levied and collected, the sum mentioned in the first section of this act. And the treasurer of the county of Chautauque shall pay on the order of the commissioners of highways of the town of Hanover, when levied and collected, the sum mentioned in the second section of this act.

Money to be paid over to commissioners.

§ 4. This act shall take effect immediately.

the use of the city, and will give security for the payment of such deposits, to be approved by the common council. All moneys shall be drawn from him in pursuance of a resolution of the common council, by warrants specifying for what purpose they are drawn, signed by the clerk, and countersigned by the mayor. The clerk shall keep an accurate account of all warrants issued, in a book to be provided for that purpose. The treasurer shall receive, for all services under the provisions of this act, a salary not exceeding six hundred dollars a year, payable quarterly; which shall be in lieu of all commissions or other compensation whatever. He shall, fifteen days before the annual city election in each year, present to the common council and file with the clerk an account of all his receipts and disbursements, since the date of the last report, and a statement of the financial condition of the city, a copy of which shall be published in the newspapers designated by the common council for publishing its proceedings, at least ten days before such election.

Sale of real-
estate, for
assessments

§ 52. No real estate shall be sold under the provisions of this act, for any tax or assessment, excepting within two years from the time the same was filed with the clerk.

Notices to
be given.

§ 67. On the coming in of the report provided in the last preceding section, the common council shall cause to be published in the official newspapers, one of which official papers shall be the newspaper in the city having the largest bona fide circulation, a daily notice, that at a time therein fixed, and which shall be at least six days after the first publication thereof, it will act upon the same, during which time the report will be left at the office of the city clerk, where all persons interested may examine the same. Prior to such day, any person objecting to the matters contained in the report, or to the proposed improvement, may file with the clerk his objections in writing, which objections shall be read before and considered by the common council, before any action is had thereupon. The common council may then confirm the report, or may set the same aside, and refer the matter to the same or to new commissioners, to be appointed as hereinbefore provided; and upon the coming in of the second report, the same shall be published with a like notice of the day when the common council will

income or revenue of which shall not, in the aggregate, exceed the sum of ten thousand dollars, in trust, for any charitable, benevolent or religious object expressed in the instrument by which such property shall be so given, granted or devised.

§ 4. All the trustees of the said institute hereafter elected, shall be communicants of the Protestant Episcopal church in this state, and not more than two of the said trustees may be married or unmarried females.

Trustees to be communicants of Protestant Episcopal church.

§ 5. All the powers vested in the said corporation shall be exercised by the said trustees, a majority of whom shall constitute a quorum for the transaction of business.

§ 6. This act shall take effect immediately.

Chap. 141.

AN ACT to amend the charter of the city of Utica.

Passed April 5, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fifty-two, of the act entitled "An act to amend and consolidate the several acts relating to the city of Utica," passed March thirty-first, eighteen hundred and forty-nine; sections sixty-seven, sixty-eight, seventy, seventy-one and eighty-two of the same act, as amended by the act of March seventeenth, eighteen hundred and fifty-seven, and section twenty-one, as amended by the act of March twenty-fifth, eighteen hundred and fifty-eight, are hereby amended so as to read as follows :

Certain acts amended.

§ 21. The treasurer shall receive all moneys belonging to the city, and keep an accurate account of all receipts and expenditures so as to exhibit the amount paid under each class of purposes for which money shall be raised. He shall deposit and keep all moneys belonging to the city, or that shall come to his hands, in such one of the banks in said city as will pay the highest rate of interest, not exceeding seven per cent, for such deposits, for

Treasurer, his duties.

the use of the city, and will give security for the payment of such deposits, to be approved by the common council. All moneys shall be drawn from him in pursuance of a resolution of the common council, by warrants specifying for what purpose they are drawn, signed by the clerk, and countersigned by the mayor. The clerk shall keep an accurate account of all warrants issued, in a book to be provided for that purpose. The treasurer shall receive, for all services under the provisions of this act, a salary not exceeding six hundred dollars a year, payable quarterly; which shall be in lieu of all commissions or other compensation whatever. He shall, fifteen days before the annual city election in each year, present to the common council and file with the clerk an account of all his receipts and disbursements, since the date of the last report, and a statement of the financial condition of the city, a copy of which shall be published in the newspapers designated by the common council for publishing its proceedings, at least ten days before such election.

Sale of real-
estate, for
assessments

§ 52. No real estate shall be sold under the provisions of this act, for any tax or assessment, excepting within two years from the time the same was filed with the clerk.

Notices to
be given.

§ 67. On the coming in of the report provided in the last preceding section, the common council shall cause to be published in the official newspapers, one of which official papers shall be the newspaper in the city having the largest bona fide circulation, a daily notice, that at a time therein fixed, and which shall be at least six days after the first publication thereof, it will act upon the same, during which time the report will be left at the office of the city clerk, where all persons interested may examine the same. Prior to such day, any person objecting to the matters contained in the report, or to the proposed improvement, may file with the clerk his objections in writing, which objections shall be read before and considered by the common council, before any action is had thereupon. The common council may then confirm the report, or may set the same aside, and refer the matter to the same or to new commissioners, to be appointed as hereinbefore provided; and upon the coming in of the second report, the same shall be published with a like notice of the day when the common council will

act thereon. The second report shall be final without farther confirmation, but subject nevertheless, to the right of any of the parties to appeal to the supreme court or county court of Oneida county.

§ 68. Upon confirming the first report of the commissioners as above provided, or upon the day fixed for acting upon the second report, if no appeal be taken as above provided, the common council may by a vote of a majority of all its members, authorize and direct the appropriation of the real estate, and the making of the improvement. The common council shall thereupon appoint three reputable freeholders of the city of Utica, not interested in any of the real estate to be taken, nor of kin to any person, or interested in any property, to be assessed therefor, who shall proceed to apportion and assess the whole amount of such damages so reported by the commissioners, together with all the costs and expenses of such improvement except such portion thereof, if any, as the common council shall have determined ought to be borne by the city, upon the real estate benefited thereby, as described in the report of the officer or officers mentioned in section fifty-nine of this act, as nearly as may be, in proportion to the amount of benefit which each shall be deemed to receive from the said improvement. The said freeholders shall be sworn by a justice of the peace, or a commissioner of deeds, faithfully and impartially to discharge their duties according to the best of their ability; they shall hear the proofs and allegations of the parties, and make their assessment according to the evidence. The said freeholders shall, as speedily as may be, make their report to the common council, in the form of an assessment list, in which they shall specify and set down in separate columns an accurate description of each parcel of real estate assessed; the name of the owner or occupant, if known; the amount assessed upon each parcel; the amount of compensation, if any, to which each owner or occupant is entitled by the award of the commissioners, and the amount to be collected of each. The assessment list shall be made to resemble in form, as nearly as practicable, the tax list, and be provided with a column in which payment can be entered by the treasurer. Two copies thereof shall be made, and signed by the mayor and clerk, one of which shall be filed with

Appropriation of real estate.

Freeholders not interested to be appointed to make apportionment.

To be sworn.

the clerk, and the other delivered to the treasurer. They shall also return the evidence, if any, taken by them, to the common council, at the time of making their report.

Notice to be
given by
treasurer.

§ 70. Upon receiving the assessment list, the treasurer shall cause to be published in the official newspapers, a notice similar to the one required upon receiving the tax lists, and the treasurer shall proceed thereon to collect the moneys upon the same, in the same manner as upon a tax list, and at the expiration of the month, during which he shall receive payment thereon, he shall deliver it to the collector of the ward in which the moneys, or the greater part thereof, on the said list, are to be collected; and such collector shall proceed thereon to collect the money due thereon, in the same manner that he is required to collect taxes upon the tax lists, and to make return in like manner; and all the provisions of this act relative to the collection of city taxes shall apply to such assessments, except those contained in the forty-first section thereof.

When
portion of
expenses
shall be a
charge on
city.

§ 71. In case it shall appear by the report mentioned in section fifty-nine of this act, that any portion of the expense of such improvement ought to be borne by the city, the same shall be a charge upon the city treasury, and shall be paid from the current revenue of the city.

Form of
assessment
list.

§ 82. Upon the assessment being made as provided in this title, an assessment list shall be made to resemble, as nearly as practicable, the tax list in its form, and be provided with a column in which payments can be entered by the treasurer. Two copies thereof shall be made by the clerk and signed by the mayor and clerk, one of which shall be filed with the clerk, and the other delivered to the treasurer. All the provisions of this act, relating to the tax lists, mentioned in section forty-two of the act hereby amended, to the assessments therein and to the collection and payment of the moneys thereon (except those contained in the forty-first section thereof), shall be applicable to the assessment lists provided in this title. The clerk's fees for making such copies shall be one dollar each.

Interest on
unpaid as-
sessments.

§ 2. In case any tax or assessment shall be returned to the city treasurer as unpaid, by any one of the collectors of the said city of Utica, there shall be charged thereon for the benefit of the city treasurer, besides the collector's

fee, an additional sum of one cent on each dollar of the tax or assessment, so returned, for each month the same shall remain unpaid, from the time of such return until the payment thereof: and all the provisions of the charter of the said city of Utica, in regard to the collection of such taxes or assessments, shall apply to the collection of said sum of one cent per month therewith.

§ 3. This act shall take effect immediately.

Chap. 142.

AN ACT to change the name of that part of Canton street, in the city of Brooklyn, between Atlantic avenue and De Kalb avenue, to Fort Green place.

Passed April 6, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of Canton street, in the city of Brooklyn, from Atlantic avenue north to De Kalb avenue, is hereby changed to Fort Green place, by which last mentioned name that part of said street shall hereafter be known and designated.

§ 2. This act shall take effect immediately.

Chap. 143.

AN ACT for a free bridge over the Mohawk river.

Passed April 6, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the village of Canajoharie are hereby authorized to erect and build a suitable

Trustees of
Canajoharie

may erect
bridge.

free bridge across the Mohawk river, between the villages of Canajoharie and Palatine Bridge, or to purchase for a free bridge of the Canajoharie and Palatine Bridge Company, the bridge and real estate of said bridge company, if said bridge company shall elect to sell and transfer said bridge and real estate to said trustees, in manner as stated by this act; provided the said trustees can raise the money for that purpose, by subscription or gift, so that the said village of Canajoharie will be at no expense in erecting and building said bridge, or the purchase of said bridge company, their said bridge and real estate, and that the said village shall in no case be made liable for any contract made by said trustees for materials furnished or labor done in building and erecting said bridge or keeping the same in repair, or for any property purchased by said trustees for the same, or for the purchase of said bridge company, their said bridge and real estate, or for repairs done to same, and of which the said trustees shall give notice to all persons with whom they shall make any contract for any work to be done, or materials furnished, or any property purchased for said free bridge.

Voluntary
subscriptions may
be received.

§ 2. The said trustees are hereby authorized to receive subscriptions from any person or persons, for such sum or sums of money as may be subscribed by them respectively, for the erection and building said bridge and the purchase of real estate for the site and approaches of said bridge, or for said purchase of said bridge company, their said bridge and real estate, and to collect and receive said sum or sums by action, brought in the name of the trustees of the village of Canajoharie, against any person or persons who shall neglect or refuse to pay to said trustees said sum or sums by him or them respectively subscribed as aforesaid, and that the said trustees shall proceed without unnecessary delay in the erection and construction of said bridge.

Site to be
designated,
and how.

§ 3. The said trustees, or a majority of them, shall select and by certificate designate the site of said bridge and approaches, and make two certificates thereof, one of which shall be filed with the clerk of the county of Montgomery, and the other with the clerk of the village of Canajoharie, which approaches and site shall be considered the approaches to and site of said bridge, on which

they may construct said bridge, and improve and perfect such approaches, and also shall have full power to contract for materials and construction of said bridge; and said bridge, when constructed, shall be under the control and direction of said trustees.

§ 4. The said trustees are hereby empowered to purchase, receive and hold such real estate on either side of the said river as may be necessary and convenient in accomplishing the object for which this act is passed, and may, by their surveyors and engineers, enter upon such sites and locations, and take possession of the same; but all such sites and locations as shall be entered upon as aforesaid, shall, except donations, be purchased of the owners of the same at a price to be mutually agreed on. In case of disagreement of price, or any other cause which shall prevent acquisition by agreement, the said trustees may present their petition to one of the justices of the supreme court of the fourth judicial district, setting forth the necessity of such lands for the site of said bridge and approaches, and of the attempt and failure to purchase the same, and the residence of the owner or occupant or agent representing the same, and the reasons why the purchase cannot be made; and the said justice shall direct such notice to the owner or representative of such land as he shall deem reasonable, of the time and place of hearing the parties, and upon proof of the due service of such notice, and upon the hearing, the said justice shall appoint three competent commissioners to appraise said lands. The said commissioners, after giving notice to the owner, occupant or agent, or in case of absence leaving a written notice at his usual place of residence with some person of suitable age and discretion, shall appraise said land, and award to the owner or owners thereof what they shall deem to be the full value of the same, and shall be authorized to make personal examinations, administer oaths, to hear testimony, and shall make their appraisal without delay, under their hands and seals, with a minute and accurate description of the lands, designated, and shall report the same to the justice, who shall examine the report and hear the parties if desired, and may increase the damages if he shall be satisfied that injustice has been done. Upon proof to such justice, within twenty days after his determination of the pay-

Trustees
may hold
real estate.

Commis-
sioners
after notice
to appraise,
&c.

ment to the owner or owners, or of having deposited to his credit in such bank as the said justice shall have directed, the amount of the value of such lands, and the payment of the expenses of the application and appraisal, the said justice shall make an order particularly describing the lands, and of the payment of the money and expenses, and the facts necessary to the compliance with this section; and when the order shall be recorded in the office of the clerk of the county of Montgomery, the said trustees shall be possessed of the lands thus ordered, and may enter upon and take the possession of the same, and may perfect and improve the same as shall be deemed most useful for said bridge.

Act of 1801
repealed.

§ 5. So much of the act entitled "An act to authorize the building of a toll bridge over the Mohawk river," passed March thirty-first, eighteen hundred and one, and the several acts amending the same, as is inconsistent with this act, is hereby repealed.

Directors of
Canajoharie
and Palatine
Bridge
Co. may
sell their
bridge.

§ 6. The directors of said Canajoharie and Palatine Bridge Company may, at their option, at any time within thirty days after the passage of this act, give notice in writing to said trustees that the said bridge company elect to sell and transfer their bridge and real estate, as provided in this act, and which they are hereby expressly authorized and empowered to sell and transfer; said notice shall be signed by the president or secretary of the bridge company, and shall be served upon the president or clerk of the board of said trustees. In case such notice shall be served as aforesaid, Hon. Charles Gray, of Herkimer county, Dewitt C. Bates, of Otsego county, and Harvey Davis, of Schenectady county, are hereby appointed commissioners, who shall take oath well and truly to ascertain, determine and report the amount to be paid to said bridge company, for the stock and corporate property of said bridge company, and stockholders thereof. Said commissioners shall hear any evidence they may think is calculated to aid them in making said determination and appraisal, which may be offered by either party; such commissioners shall, within twenty days after said election to sell, as aforesaid, meet at the village of Canajoharie, to hear the evidence that may be offered by either party, giving said presidents five days' previous

notice of the time and place of such hearing; and they shall, within twenty days after said hearing, make a decision in writing, of their appraisal and determination, to be signed by them, or any two of them, and shall file the same in the office of the clerk of the county of Montgomery. If said trustees shall raise at least the sum of three thousand dollars of said award, within ninety days after making and filing of said decision, as aforesaid, then it shall be the duty of the board of supervisors of the county of Montgomery, and they are hereby authorized and directed, at the next annual meeting of said board of supervisors, to levy and collect, out of the taxable property of the towns of Canajoharie and Palatine, as other taxes are levied and collected, the balance of the award reported by the said commissioners, as aforesaid, and pay, or cause the same to be paid, to the treasurer of said Canajoharie and Palatine Bridge Company; and on payment of the whole of said award to the treasurer of said bridge company, at any time before the first day of February, eighteen hundred and sixty, then the right and title to said bridge and real estate shall forever vest in the towns of Canajoharie and Palatine, for said free bridge, and be under the control and direction of said towns, and said free bridge and the approaches thereto shall be maintained and kept in repair by said towns of Canajoharie and Palatine. The fees of said commissioners shall be each five dollars per day, to be paid by said trustees.

§ 7. If any person shall willfully do or cause to be done, any act or acts whatever, whereby said bridge, which shall be erected, or any work or approach appertaining thereto, or said bridge, which may be purchased of said bridge company, or any work or approach appertaining thereto, shall be obstructed, impaired, weakened, injured or destroyed, the person so offending shall forfeit to said trustees, or towns, as the case may be, for the use and benefit of said free bridge, treble damages sustained by means of such offense or injury, to be recovered in the name of the trustees of the village of Canajoharie, or said towns, as the case may be, with costs of suit by action, and shall moreover be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, by any court having cognizance of the offense.

Penalties
for injuring
bridge.

Fine.

§ 8. Any person crossing said bridge with horse, carriage or team, faster than on a walk, shall be subject to a fine of five dollars, to be recovered in like manner, for the benefit of said free bridge.

§ 9. This act shall take effect immediately.

Chap. 144.

AN ACT to incorporate Protection Fire Engine Company Number Three, in the village of Matteawan, Dutchess county, New York.

Passed April 6, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators
named and
their pow-
ers.

SECTION 1. George Miller, John Boice, John Rothery, John Caldwell, Lawrence S. Foreman, and such other persons as may be appointed with them, are hereby constituted a body corporate, by the name and description of Protection Fire Engine Company Number Three, in Matteawan, Dutchess county, and by that name they and their successors shall and may have perpetual succession and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and also that they and their successors shall be, in law, capable of purchasing, holding and conveying any estate, real or personal, necessary for the purpose of extinguishing fires and the preservation of engine, hose, apparatus, tools and implements of the said corporation, to the amount of four thousand dollars.

May make
by-laws.

SECTION 2. The said corporation shall have full power to make and establish such by-laws and regulations as they from time to time shall think proper, as to their officers, the time, place and manner of electing them, and the period of their continuance in office, and as to their powers and duties, and as to the election of members,

and as to the government of the persons appointed or elected by them as members, and with respect to the purposes for which this corporation is constituted.

SECTION 3. The said corporation shall have full power and authority to nominate and appoint a sufficient number of persons, not exceeding fifty, to have the care, management, working and using of the apparatus and all the implements belonging to said corporation, and who shall be ready at all times to assist in the extinguishment of fires; and further, that said corporation, or a majority thereof, shall have power from time to time to remove for cause any persons appointed as aforesaid, when and as often as they shall think proper, and to appoint others to fill the vacancies occasioned by removal or otherwise.

May
appoint
firemen.

SECTION 4. Each of the said persons so to be appointed as aforesaid, who shall serve as such members, shall be, during such service, exempt from serving as a juror in any of the courts of this state, and from all militia duty, except in case where the militia are ordered in actual service.

Exemption
from jury
and militia
duty.

SECTION 5. This act shall take effect immediately.

Chap. 145.

AN ACT to incorporate Protection Fire Engine Company Number Seven, in the town of Southfield, Richmond county.

Passed April 6, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Peter S. Cleavland, John Duffy, Walker Tompkins, Michael Martin, James Anketell and Patrick Sullivan, and such other persons as may be associated with them, are hereby constituted a body corporate, by the name and description of "Protection Fire Engine Company Number Seven, of the town of Southfield," and by that name they and their successors shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being

Corporators
named and
their pow-
ers.

impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions suits, complaints, matters and causes whatsoever; and they and their successors shall be in law capable of purchasing, holding and conveying any estate, real or personal, necessary for the purpose of extinguishing fires and the preservation of engines, hose, apparatus, tools, and implements of the said corporation, to the amount of five thousand dollars.

May make
by-laws.

SECTION 2. The said corporation shall have full power to make and establish such by-laws, rules and regulations as they from time to time shall think proper, as to their officers, the time, place and manner of electing them, and the period of their continuance in office, and as to the powers and duties, and as to the election of members, and as to the government of the persons appointed or elected by them as members, and with respect to the purposes for which this corporation is constituted.

May
appoint
firemen.

SECTION 3. The said corporation shall have full power and authority to nominate and appoint a sufficient number of persons, not exceeding fifty, to have the care, management, working and using of the apparatus and all the implements belonging to said corporation, and who shall be ready at all times to assist in the extinguishment of fires; and further, that said corporation, or a majority of them, shall have power from time to time to remove for cause any person appointed as aforesaid, when and as often as they shall think proper, and to appoint others to fill the vacancies occasioned by removal or otherwise.

Exemption
from militia
and jury
duty.

SECTION 4. Each of the said persons so to be appointed, as aforesaid, who shall serve as such members, shall be, during such service, exempt from serving as a juror in any of the courts of this state, and from all militia duty, except in case where the militia are ordered into active service.

SECTION 5. This act shall take effect immediately.

Chap. 146.

AN ACT to authorize the laying out, opening and constructing a road from Lake Mahopac, in the town of Carmel, in the county of Putnam, to Croton Falls, in the town of North Salem, in the county of Westchester.

Passed April 6, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Edwin Crosby, of the town of North Salem, in the county of Westchester, Cornelius Dean, of the town of Carmel, in the county of Putnam, and Joel Bunnell, of the town of Phillipstown, in the county of Putnam, are hereby appointed commissioners to lay out a public road from Lake Mahopac, in the town of Carmel, in the county of Putnam, to Croton Falls, in the town of North Salem, in the county of Westchester, and to direct and superintend the construction thereof. The said commissioners, before entering upon their duties, shall take the constitutional oath of office, and in case of any vacancy by the death or refusal or neglect to serve of any of said commissioners, such vacancy shall be filled by the county judges of the counties of Putnam and Westchester, who shall jointly appoint some suitable freeholder residing in either of said counties of Putnam and Westchester, to fill such vacancy. Commissioners named.

§ 2. The said commissioners, or the majority thereof, are hereby authorized and required, after satisfactory surveys and examinations, to locate and lay out said public road, at least two and a half rods wide, upon the best and most practicable route between said Lake Mahopac and Croton Falls, and to cause an accurate survey of the same to be made and signed by them, and filed in the clerks' offices of said counties of Putnam and Westchester. The said commissioners may, in their discretion, locate said highway across or upon any other public highway, at such points and for such distances as they May lay out road.

shall deem most conducive to the public benefit and convenience.

May close
old road.

§ 3. The said commissioners are hereby authorized to close such parts of said old road as may be proper, and not needed for public use, to be ascertained and determined in the manner now provided by law, except that the commissioners designated in this act shall for such purposes possess all the powers now by law conferred upon the commissioners of highways; and also to lay out and open so much new road as is or may be necessary to connect the road running north and lying west of the residence of Leonard D. Clift, with the new road to be laid out by virtue of this act, and to agree with any or all persons, whose lands shall be taken for said new road and through whose lands any portion of said old road shall or may be closed; as to the difference in value between any lands which may be taken for said new road, and any part or parts of the old road, which may or shall be closed and surrendered to the adjoining owners, and the amount of damages such person or persons are to receive in consequence thereof.

Maps of
road shall
be filed.

§ 4. It shall be the duty of said commissioners, after laying out said road, to cause an accurate map thereof, and description in writing, from the survey filed as above provided in the clerks' offices of said counties, of such parts of said road as shall be in each and every town through which the same passes, to be filed in the office of the town clerk of the town in which such part of said road shall lie, whose duty it shall be to record the same as by law he is required to record the orders of commissioners of highways in laying out public highways.

Assessment
of damages.

§ 5. The damages sustained by any owner or occupant of land through which the said road shall be laid, shall be ascertained and determined in the same manner as provided in the first title of the sixteenth chapter of the first part of the Revised Statutes, except that the commissioners designated in this act shall apply for process to ascertain such damages in like manner as commissioners of highways do by virtue of said title, and shall possess all the powers conferred and perform the duties imposed by law upon such highway commissioners, in respect to the ascertainment and determination of such damages; said commissioners shall also be authorized to receive from

any owner or occupant a release of all damages, or a release of all damages over a certain amount specified, beyond which no assessment shall be made. After said damages shall be finally ascertained and determined, and all the charges and expenses in constructing said road and in carrying out the provisions of this act shall have been incurred and made, it shall be the duty of said commissioner to make out a statement of such damages, charges and expenses, in items, and specifying as to each item the town in which it was incurred, and to present the same, under oath, to the boards of supervisors of the counties of Putnam and Westchester, whose duty it shall be to cause such damages, charges and expenses to be assessed upon the taxable inhabitants and property of the several towns in their respective counties through which the road may be laid, so that each town shall pay the damages, charges and expenses of laying out, opening and building the said road in such town; and such sum so assessed shall be levied, collected and paid in the same manner as other contingent charges and allowances of towns are by law directed to be levied, collected and paid.

Statement
of damages,
&c., to be
made out.

§ 6. It shall be the duty of said commissioners, after said road shall be laid out, to cause the same to be opened in the same manner as public highways are opened by commissioners of highways; and the said commissioners are hereby authorized, after said road shall be opened, to cause the same to be constructed in the ordinary manner, with a width of track not less than eighteen feet, and cause substantial bridges to be built, either of wood or stone, not less than fourteen feet in width, over all streams across which said road may be laid, and to direct and make all necessary contracts for the building and constructing of said road and bridges, and to superintend the work done on the same, and to accept the same when completed in accordance with the provisions of this act: provided, that where said road shall be located upon the track of any road now open or in use, it shall be optional with said commissioners to cause the width of such road, or of the track of such road, to be altered.

Commis-
sioners'
duties.

§ 7. After said highway shall be opened and completed, the same shall be districted by the commissioners of highways in the several towns through which the same

Road to be
districted
by commis-
sioners.

shall pass, in the manner as prescribed in title first, chapter sixteen, part first of the Revised Statutes.

Compensation of commissioners.

§ 8. The said commissioners shall severally be allowed two dollars per day for every day they shall be actually employed in the performance of their duties under this act, besides the necessary charges and expenses for a surveyor and chain bearers, which said allowance and expenses, together with the costs and expenses of constructing said road and bridges, shall be included in the expenses specified in the fourth section of this act: provided the board of supervisors of the county of Putnam shall not be required to raise a sum exceeding three thousand four hundred dollars, and the board of supervisors of the county of Westchester, shall not be required to raise a sum exceeding six hundred dollars for any and all of the purposes specified.

§ 9. This act shall take effect immediately.

Chap. 147.

AN ACT for the better improvement of highways in the town of Haverstraw, in the county of Rockland.

Passed April 6, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not hereafter be optional with persons liable for highway labor in said town to perform such labor, but every person or corporation so liable shall, instead of personal labor, pay to the overseer of highways in the district where such labor is to be performed, by the first day of June, in each year, the sum of fifty cents for every day's labor for which he or they shall be assessed, and said overseer of highways shall expend all sums he shall so receive, in the improvement of the highways within his own district; three-fourths of such money shall be so expended by the first of October, in each year.

§ 2. Any person neglecting or refusing to pay for the labor so required, shall be subject to the same liabilities

and penalties incurred by neglecting or refusing to perform or commute for the highway labor assessed by the highway commissioners.

§ 3. This act shall take effect immediately.

Chap. 148.

AN ACT for the relief of Lewis Clement.

Passed April 6, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The attorney-general, state engineer and surveyor and comptroller are authorized and required to hear, investigate and decide upon the claims of Lewis Clement, for alleged damages on account of an ejectment suit commenced against him for lands sold and conveyed to him by the state of New York, being part of lot fifteen, Oneida purchase, of one thousand eight hundred and forty-two. And if, upon due proof, it shall appear that the said conveyance, which the state caused to be made, erroneously embraced lands not then belonging to the state, they may make such an award for the land thus erroneously conveyed, which said Lewis Clement may have lost by reason of such error, and the costs and expenses he has been subject to by reason of said suit, as they shall deem just, adopting the same rule as to his right to an award, and as to the measure of damages. as would apply between individuals on failure of title to land conveyed by one person to another.

§ 2. The sum which shall be finally awarded under the provisions of this act the treasurer shall pay, on the warrant of the comptroller, to the said Lewis Clement out of any moneys in the treasury not otherwise appropriated.

§ 3. This act shall take effect immediately.

Chap. 149.

AN ACT to provide the means for the enlargement and completion of the canals of this state, specified in section three, article seven of the constitution, for the fiscal year commencing October first, eighteen hundred and fifty-nine, and for other purposes.

Passed April 6, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows :

Five-eighth
mill tax.

SECTION 1. There shall be imposed, for the fiscal year commencing on the first day of October, eighteen hundred and fifty-nine, a tax of five-eighths of one mill on each dollar of the valuation of real and personal property taxable in this state, to be assessed, raised and collected upon and by the annual assessments and collection of taxes for the fiscal year, in the manner prescribed by law to be paid by the county treasurers, respectively, into the treasury of this state, to be there received, held and paid for the objects and purposes prescribed in this act.

Whole tax
to be paid
in to credit
of canal
fund.

§ 2. The whole of the tax levied and collected under the first section of this act, shall be paid into the treasury to the credit of the canal fund, and shall be and is hereby appropriated as follows :

Erie.

To the enlargement of the Erie canal, four hundred and twelve thousand, one hundred and fifty dollars thereof.

Oswego.

The sum of one hundred and thirty-eight thousand, six hundred and forty dollars thereof to the enlargement of the Oswego canal.

Cayuga and
Seneca.

The sum of sixty-six thousand, six hundred and fifteen dollars thereof to the enlargement of the Cayuga and Seneca canal.

Black River

The sum of forty-nine thousand, seven hundred and eighty dollars thereof, first the sum necessary to the completion of the Black River canal reservoirs, and the residue to the improvement of the Black river.

Genesee
Valley.

The sum of seventeen thousand, seven hundred dollars thereof to the completion of the Genesee Valley canal and the extension of the same.

The sum of sixty thousand, one hundred and fifteen dollars thereof to the rebuilding of the locks and improving the navigation on the Champlain canal. Champlain.

The sum of five thousand dollars thereof, or so much as may be necessary, for the survey or the re-examination of a survey for the extension of the Chenango canal to the Pennsylvania line. Chenango extension.

The further sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, to pay the interest at the rate of six per cent per annum, which has accrued and which may accrue up to the first of July, eighteen hundred and fifty-nine, on drafts drawn by the canal commissioners for the enlargement and completion of the canals of the state, for damages awarded by the canal appraisers, and for awards made by the canal board; and to pay the interest on damages awarded by the canal appraisers; and on awards made by the canal board, and board of canal commissioners, previous to the first day of January last, for which drafts may not have been heretofore given; and to pay the interest on a certain loan of two hundred thousand dollars, made pursuant to the act, chapter three hundred and sixty-three, of the laws of eighteen hundred and fifty-seven. In case the moneys arising from the taxes levied by the provisions of this act shall fall short of or exceed the aggregate amount hereby appropriated, then the said appropriation shall be made pro rata in proportion to the distribution herein provided. Enlargement and completion.

§ 3. The moneys appropriated by this act to the enlargement of the Erie, the Oswego and the Cayuga and Seneca canals, shall be applied and paid for work done and materials furnished after the first day of March, eighteen hundred and fifty-nine (including any work that may have been done and not paid for between the Tonawanda and Black Rock dam, since the first of December last). Money appropriated to Oswego, Cayuga and Seneca.

§ 4. The auditor of the canal department shall notify the canal commissioners, respectively, when and as soon as he shall have any money on hand subject to their drafts, and the amount thereof, and for what object or work it is applicable; and the canal commissioners shall make no more drafts on the said auditor until the receipt of the notice aforesaid, or for a larger sum, or different Auditor, duty of, &c.

object, than authorized by such notice from the auditor; but nothing in this act shall prevent the canal commissioner or engineer in charge from certifying the amount due the contractor for work done and materials furnished, or for any award made by the canal appraisers for land taken, or for damages done previous to the passage of this act.

Commissioners of canal fund to invest surplus.

§ 5. In case it shall be necessary, in order to meet the appropriations made or to be made, of the moneys to be collected upon such tax as aforesaid, for the purposes aforesaid, it shall be lawful for the commissioners of the canal fund, and it shall be their duty to invest, from time to time, any surplus of the moneys of the canal debt sinking fund, under section one of article seven of the constitution, not less in all than the sum of five hundred thousand dollars, in the tax to be levied during the fiscal year, commencing on the first day of October, eighteen hundred and fifty-nine, under the first section of this act, and the money thus invested shall be applied to meet the appropriations made of the moneys to arise from such tax; and so much of the moneys as may be necessary, shall, when paid into the treasury, be applied and pledged, in the first instance, to reimburse the said sinking fund for the amount invested in such tax, and for interest on the same, at the rate of five per centum per annum, from the time of the investment to the day of payment.

Present line of old canal and locks to be maintained.

§ 6. The canal commissioners are authorized, in their discretion, for the purpose of securing the navigation of the Erie canal across the Cayuga marshes, to maintain the present locks and the present old line of canal; but no money shall be expended therefor without consent of the canal board.

§ 7. This act shall take effect immediately

Chap. 150.

AN ACT to amend an act entitled "An act to incorporate the Newburgh Savings Bank," passed April thirteenth, eighteen hundred and fifty-two.

Passed April 6, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sixth section of an act entitled "An act to incorporate the Newburgh Savings Bank," passed April thirteenth, eighteen hundred and fifty-two, is hereby amended so as to read as follows :

Act of 1852
amended.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums as may be from time to time offered therefor, by tradesmen, clerks, mechanics, laborers, minors, servants, and others, and investing the same in the securities or stocks of this state, the state of Ohio, the state of Pennsylvania, or of the United States, or in the stocks or bonds of any city or village authorized to be issued by the legislature of this state, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives ; and the said corporation shall receive as deposits, from persons of the descriptions above mentioned, all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of two thousand dollars from any individual, which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositor when required, at such times, and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe ; which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice-president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same or any part thereof, except to pay necessary expenses, under the direction of said board of trustees. All certificates or

General
business
and object
of corpora-
tion.

Money not
loaned to
officers.

Trustees to regulate rates of interest.

Surplus to be invested.

No money to be invested without consent of a majority of trustees.

Bond or personal security to be required.

other evidences of deposit made by the proper officer of such corporation, shall be as binding on said corporation, as if they were made under their common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all the necessary expenses. Whenever it shall appear that there is an excess of twenty-five thousand dollars in the possession of said corporation, after the payment of the usual interest to the depositors, that sum shall be invested for the security of the depositors in said corporation, and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably amongst the depositors in such manner as the board of managers shall direct. No money deposited with the said corporation shall be invested except in the securities or stocks mentioned in this section, without the consent and approbation of a majority of all the trustees at a regular meeting; and all investments in bonds and mortgages shall be made only by and with the consent and approbation of a majority of all the trustees present at a regular meeting; and such bonds and mortgages shall be only upon improved, productive, unincumbered real estate, situate within this state, worth at least double the amount to be secured thereby, and no loan shall be made on bond and mortgage to any one individual for a greater sum than five thousand dollars. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrowers, and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower; and it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding one-third of the whole amount so received, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct.

Chap. 151.

AN ACT to repeal parts of an act entitled "An act to amend an act entitled 'An act to incorporate the city of Poughkeepsie,' passed March twenty-eighth, eighteen hundred and fifty-four, and the amendment thereto April twelfth, eighteen hundred and fifty-five, to authorize the Common Council of said city to borrow and assess two thousand five hundred dollars, for debts incurred by them for highway and bridge purposes," passed April second, eighteen hundred and fifty-eight.

Passed April 6, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections fourteen, fifteen and sixteen of the act entitled "An act to amend an act entitled 'An act to incorporate the city of Poughkeepsie,' passed March twenty-eighth, eighteen hundred and fifty-four, and the amendment thereto passed April twelfth, eighteen hundred and fifty-five, to authorize the common council of said city to borrow and assess two thousand five hundred dollars for debts incurred by them for highway and bridge purposes," passed April second, eighteen hundred and fifty-eight, are hereby repealed, and the second section of said last mentioned act, is hereby amended by inserting therein the words "commissioner of schools" next after the word "recorder."

§§ 14, 15, 16
repealed.

§ 2 amend-
ed.

SECTION 2. This act shall take effect immediately.

Chap. 152.

AN ACT to amend an act entitled "An act to incorporate the village of Medina, Orleans county."

Passed April 6, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1, chapter
285, Laws
1856 amend-
ed.

SECTION 1. Section one of an act to amend "An act to incorporate the village of Medina, in the county of Orleans," passed May ninth, eighteen hundred and thirty-seven, being chapter two hundred and eighty-five of the Session Laws of eighteen hundred and fifty-five, is hereby amended so as to read as follows:

Amend-
ment.

All that tract of country in the towns of Ridgeway and Shelby, in the county of Orleans, contained within the following boundaries, that is to say: Commencing at a point thirty chains east from the center of the four right angles made by Shelby and Centre streets (crossing each other in said village); thence north forty chains; thence west eighty chains; thence south ninety chains; thence east eighty chains; thence north fifty chains, to the place of beginning; shall henceforth be known by the name of the village of Medina; and the territory, together with the inhabitants residing therein, shall be a body corporate, by the name of the trustees of the village of Medina, and are hereby declared to be vested with and in possession of all the estates, real and personal, rights, privileges and immunities which, at the time of the passage of this act, appertain and belong to the said village of Medina.

§ 2. This act shall take effect immediately.

Chap. 153.

AN ACT to authorize the construction of a break-water along the shore of Lake Erie, within the bounds of the city of Buffalo, and to provide for the payment of the cost thereof.

Passed April 6, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. George R. Babcock, Benjamin Hodge, and Sherman S. Jewett, of the city of Buffalo, are hereby appointed commissioners authorized and empowered to lay out and construct, or cause to be constructed, a break-water along the shore of Lake Erie, from a point opposite the upper end of the ship canal, on the southwesterly side of Buffalo creek, along the shore of Lake Erie to the southerly bounds of the city of Buffalo, at a cost not exceeding ten thousand dollars.

Commissioners.

§ 2. It shall be the duty of the commissioners to examine the ground and determine in what manner the breakwater shall be constructed, by piling, planking and embankment; they shall then invite proposals for the construction of the work, and furnishing of materials, by advertising for ten days in the official paper of the said city, giving notice of the time and place for receiving proposals; and when they shall have determined upon the location, plan, and specification of the materials, and the person or persons to whom they will award the contract, they shall make report thereof to the common council of the city of Buffalo.

Duty of commissioners.

§ 3. Upon receiving the report of the commissioners, as provided in the preceding section of this act, it shall be the duty of the common council to cause a contract to be entered into by the street commissioners, on behalf of the city, with the person or persons, so as aforesaid designated by the commissioners, who shall be required to give good and sufficient security for the faithful performance of the contract, at the cost of the materials, and in the manner so as aforesaid recommended or reported to the common council by the commissioners.

Report of commissioners.

§ 4. The common council shall then proceed to levy Common

council to
levy tax, &c.

a tax upon the property, whether real or personal, in the city of Buffalo, which shall be deemed to be benefited by the construction of said breakwater, to an amount sufficient to cover all the cost thereof, including the fees of the commissioners, together with such other expenses as are incidental or may be incurred, and the provisions of title five of the revised charter of the city of Buffalo, shall be applicable to said assessment, to the same extent and as fully as to assessments authorized by the provisions of said charter, for the construction of any local work or improvement in said city.

Pay of com-
missioners.

§ 5. The commissioners shall be entitled to receive as compensation for their services, at the rate of three dollars per day each, for the time actually employed by them in performing the duties in this act prescribed, which shall form a part of the estimated cost of constructing the breakwater, and shall be included in the assessment as herein provided.

Vacancy,
how filled.

§ 6. In case any one or more of the commissioners, herein appointed shall refuse or decline to serve, then the mayor of the city of Buffalo may appoint a substitute to fill any vacancy which may occur by reason of such refusal to serve, and such substitute or substitutes shall have the same powers and authority to act as are conferred upon the commissioners named in the first section of this act.

§ 7. This act shall take effect immediately.

Chap. 154.

AN ACT to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school.

Passed April 6, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Limits of
district.

SECTION 1. All that part of the town of Clarkson, in the county of Monroe, known as lots seven and eight, eleven, twelve, thirteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty and twenty-one, and the north

half of lots twenty-two and twenty-three in section five, town four of the triangular tract, lots seven and eight in section six, and lots one, two, seven and eight in section ten, and lot seven and the west part of lots two and three, to the east line of the farm now occupied by Sandford Nellis, in section thirteen, in said town four, shall hereafter constitute a single school district for the purposes hereinafter mentioned, and for all the purposes of a common school shall be known as school district number two, in said town of Clarkson.

§ 2. On the first Tuesday in May next, commencing at two o'clock in the afternoon, there shall be a meeting of the inhabitants of the district mentioned in the first section of this act, entitled by law to vote for the election of trustees of common schools, at which there shall be separately elected five trustees of said district; the person first elected shall hold his office for five years, the second for four years, the third for three years, the fourth for two years, and the fifth for one year from the said first Tuesday in May, and a similar meeting shall be held annually thereafter on the first Tuesday in May, at the school-house in said district, at which there shall be elected one trustee to supply the place of the trustee whose term of office shall then expire, each trustee so elected to hold his office for five years. The present trustees of said school district number two shall cause notice of the meeting on the first Tuesday of May next, stating the time, place and object thereof, to be posted in three public places within said district, at least one week before the time appointed for said meeting, and similar notice of the annual meetings thereafter shall be given by the trustees then to be elected, and their successors. If there shall be a failure to elect a trustee at any annual meeting, the trustee whose term of office would then expire shall hold until another shall be duly elected in his place.

Meeting,
when to
take place.

Terms of
office.

Notices of
meeting to
be posted.

§ 3. All laws and regulations which now are or hereafter may be made applicable to the election of trustees of school districts, shall apply to the elections to be held under the second section of this act, so far as they shall be consistent with the terms of this act.

Laws and
regulations.

§ 4. The trustees to be elected under the second section of this act, shall constitute a body politic and corpo-

Body
corporate.

Powers of trustees.

rate, by the name and style of "The trustees of the Clarkson High School," and shall possess all the powers and be subject to all the duties in respect to said district that the trustees of common schools now possess or are subject to, and such other powers and duties as are given or imposed by this act. When five trustees shall have been elected in pursuance of the second section of this act, they shall be immediately invested with all the rights and powers and become subject to the duties of the present trustees of school district number two before mentioned, and the powers of the present trustees shall thereupon cease.

Powers of trustees.

§ 5. The trustees to be elected by virtue of this act shall have power to organize, establish and maintain a classical school in said district, to be known as "The Clarkson High School," which school shall be an academy, and shall be subject to all laws and regulations applicable to other incorporated academies in this state, so far as shall be consistent with this act, and shall be entitled to a share in the distribution of the income of the literature fund, upon the same terms as other academies; and the regents of the university shall recognize such academy as such, as soon as the required sum shall properly be invested in buildings, library and apparatus, and competent teachers employed.

President.

Secretary.

Collector and treasurer.

§ 6. The trustees shall appoint one of their number president of their board, who shall preside at the meetings of said board when present, and when absent a president pro tempore shall be appointed in his stead. They shall also appoint a secretary who shall hold his office during their pleasure, and who shall record all the acts, doings and resolutions of said board, and also of the meetings of the taxable inhabitants of said district, of which meetings he shall be the secretary, and in his absence a secretary pro tem shall be appointed to discharge all such duties. They shall also appoint a collector and a treasurer, who shall respectively hold their offices for one year, and until others are appointed in their places, unless sooner removed by said board. Such collector and treasurer, before entering upon the duties of their offices, shall execute and deliver to said board a bond in such penalty and with such sureties as such board may require.

§ 7. Whenever a vacancy shall occur in said board of trustees by the death, removal from the district, or resignation of any trustee, the remaining trustees shall have power to appoint a person to fill such vacancy, and the person so appointed shall hold his office for the unexpired term of the person to supply whose place he shall have been appointed.

Vacancy to be filled by trustees.

§ 8. The taxable inhabitants of said district, at any annual, special or adjourned meeting, legally held, may vote to raise such sums of money as they shall deem expedient, not exceeding fifteen hundred dollars, for the purpose of purchasing a site and building a school-house in said district, or for the purpose of purchasing any suitable lot and building for such purpose, and furnishing the same with the necessary furniture, library and apparatus, and may direct the trustees to cause the same to be levied and raised upon the real and personal estate liable to taxation in said district, by installments, as such meeting may direct, and to make out a tax for the collection of the same as often as such installments shall become due; and the legal votes at any such meeting may fix the compensation for collecting and paying over to the treasurer of said board the amount so levied. They shall also have power, in like manner, from time to time, to raise such sums as shall be deemed necessary for the payment of teachers' wages, for keeping insured and in repair their real and personal property, for the purchasing of fuel and for defraying the other ordinary expenses of maintaining schools; but no tax shall be levied upon said district without the assent of the majority of the legal voters thereof, except as now provided by law.

Money, how raised.

Compensation.

Teachers' wages.

§ 9. The trustees to be elected by virtue of this act may purchase from the trustees of the Clarkson academy, who are hereby authorized to sell to them, the real and personal property now owned and possessed by the trustees of said academy, upon such terms as may be agreed upon by said parties; but no money shall be paid or engagement entered into for the purchase of said real estate, unless a conveyance thereof shall be made to the trustees to be elected by virtue of this act, by the trustees of the first Congregational society of the town of Clarkson, and the trustees of Clarkson academy, so as to vest in the grantees a perfect title thereto, in fee simple. The

Trustees may purchase certain property.

* So in original.

trustees of said Congregational society are hereby empowered, in their discretion, to execute such conveyance.

Trustees
may sell at
auction.

§ 10. The trustees to be elected by virtue of this act are hereby authorized and empowered to sell at public auction, to the highest bidder, or at private sale, and to convey to the purchaser, the school-house and site thereof, situated in said district, and to hold and use the proceeds for the purposes specified in this act.

By-laws,
rules and
regulations.

§ 11. The trustees to be elected as above provided are hereby empowered and authorized to make such by-laws and regulations as they may deem necessary to secure the prosperity, order and government of said school, and to divide the same into primary and higher departments, and regulate the transfer of scholars from one department to the other, and to provide suitable instructors for each department; to direct, what text books shall be used in the same; to establish such primary or infant school or schools as they shall deem requisite and expedient, and to alter and discontinue the same; to purchase or hire school-houses, rooms, lots or sites for school-houses, and to fence and improve the same as they may think proper; to purchase, exchange, improve and repair school apparatus, books, furniture and appendages; to purchase fuel and all other necessities for the use of the school or scholars in said district, and to pay the contingent expenses thereof; to pay the wages of all teachers employed in the school or schools in said district, out of the public money and funds applicable thereto; to fix and regulate the terms of tuition fees in said primary and other higher branches in said school or schools; to sue for and collect in their corporate name, any sum of money or tuition fees due to said district; to receive and apply to the use of said school or schools, or any department thereof, any gift, legacy, bequest or annuity given or bequeathed to them, and to apply the same according to the instructions of the donor or testator; to take and hold any real estate granted or devised to them for the purposes of said school or schools, or any department thereof, and to apply the proceeds thereof according to the instructions of the donor or deviser, if not inconsistent with the purposes of public education and the laws of the state.

§ 12. The report now required by law to be made to the commissioner of common schools shall be made by said trustees, and the public moneys payable to said district in the manner provided by law, shall be paid to the treasurer appointed by such trustees, whose receipt shall be sufficient voucher for all moneys so paid.

Commissioner of schools.

§ 13. Said trustees shall have power to receive into said academy and cause to be instructed therein, any pupil or pupils residing in or out of said district, and to regulate and establish the terms of tuition of such resident or non-resident pupils, and to regulate generally the rates of tuition, and to graduate the same according to the studies pursued in the higher English and classical departments of said academy; the tuition fees in said academy shall not exceed three dollars per quarter, for pupils whose parents or guardians reside within the said district, and for all other pupils shall not exceed five dollars each per quarter.

Pupils to be received.

§ 14. After applying the public moneys applicable thereto, and the tuition fees which may be received for the instruction of pupils, in payment of the salaries and wages of teachers employed in said schools, and of the other expenses necessary for the support thereof, the said trustees shall, unless the same shall have been previously raised, cause such additional sum as may be required to pay such wages, salaries and expenses, to be assessed and levied upon the taxable property of said district, and collected in the manner provided by law for the assessment and collection of school district taxes in the several towns of this state. Not more than two taxes for such purpose shall ever be raised in one year; and warrants for the collection of taxes in said district shall be issued under the hand and seal of the president or of the major part of said trustees.

§ 15. All moneys raised in said district for the purpose of said school or schools, and all moneys to be received by such district from the common school fund, literature fund, or other source, shall be paid to the treasurer of said district, to be paid by him on the warrant of said board of trustees, and to be applied by them for the use of the said school or schools, according to the provisions of this act.

§ 16. This act shall take effect immediately.

Chap. 155.

AN ACT to amend an act entitled "An act for the incorporation of cities and villages," passed December seventh, eighteen hundred and forty-seven, so far as the same relates to the village of Oneida, in the county of Madison, and to provide for the erection of a watch-house in said village.

Passed April 6, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Additional
powers of
trustees.

SECTION 1. The trustees of said village shall have power, in their discretion, in addition to the powers granted by the act hereby amended, as follows:

1. Whenever authorized by a vote of the inhabitants of said village, at any meeting legally called, to levy a tax for, and purchase or lease sufficient ground within the said village, and to erect thereon a suitable building for a watch-house, or place of confinement of all persons charged with any offense against the laws of this state, or the by-laws or ordinances of said village, while awaiting trial or examination; the whole amount of such tax to be raised, not to exceed the sum of five hundred dollars; and any constable of the town of Lenox, or police constable of said village, or any one of the trustees, may arrest, without process, drunken or disorderly persons, or vagrants and persons guilty in the presence of such officers of violating the public peace, order or decorum; and if it be in the night time, or if for any other cause it be not practicable to take the person so arrested before a justice of the peace of the town of Lenox, to confine the person or persons so arrested, until such time as he or they can be taken with propriety before such justice for trial or examination, and such justice may order persons charged with offenses as aforesaid, to be confined in said watch-house from time to time, as to him may seem necessary, while awaiting trial or examination, or until the final termination of such case before such justice; and the annual expenses of such watch-house, including the expense of a person to have charge of the same, and for

fuel and lights therefor, shall be added to any tax voted by the inhabitants of said village, not exceeding fifty dollars in any one year; and the trustees of said village may present to the board of supervisors of the county of Madison, at their annual meeting, their claim for the reasonable expenses of keeping any criminal in such watch-house, who may have been ordered to be confined therein by any magistrate of the town of Lenox, on charge of violating any law of this state, other than offenses against the charter, by-laws and ordinances of said village; which claim so presented may be audited and allowed by said board of supervisors as a charge against said county, and the amount of such claim, so presented, audited and allowed, shall be paid into the treasury of said village, to the credit of the contingent fund of said village, and said trustees shall make all necessary rules and regulations for the control and maintenance and government of the said watch-house, shall appoint a keeper thereof and remove him at pleasure, and shall have all the necessary powers to render the same effectual for the purpose, intended by the establishment of such watch-house.

Additional
powers of
trustees.

2. To prohibit by by-laws, in and for said village, exhibitions of wild animals, mountebanks, circuses and theatrical performances, or to license exhibitions of wild animals, circuses and theatrical performances, and for granting any such license, the trustees shall demand, for the benefit of said village, such sum of money as they shall deem proper, and no such exhibition shall be had or permitted without such license therefor; and any person or persons offending against this provision shall forfeit and pay, on conviction, a fine not exceeding ten dollars and costs of suit.

3. To prohibit or regulate all auction sales within the village, and to prohibit hawking or peddling in or upon the railroad grounds or cars in said village.

4. To prohibit or license, or regulate victualling-houses, ordinaries and petty groceries, and to cause the same to be closed on the Sabbath.

Disorderly
houses, &c.

5. To suppress disorderly houses, houses of ill-fame, gaming-houses, billiard tables, bowling alleys, and all instruments and devices for gambling, and to prohibit all descriptions of gaming.

Vagrants.

6. To restrain vagrants, mendicants and disorderly persons, or immoral conduct, in the public streets or places of said village.

Slaughter-houses, &c.

7. To direct and control the location of all slaughter-houses, houses for storing gunpowder, and other places for storing or keeping combustible or nauseous substances, and prohibit and abate nuisances.

Trustee, constable, &c., to have certain powers.

§ 2. Any trustee of said village, police constable or other constable, of the town of Lenox, shall have power to cause persons arrested by process or otherwise, to be detained in the said watch-house until a justice of the peace, of the town of Lenox, can be found to attend to the hearing of the charge preferred, and shall have power, at any and all times, to command assistance from any inhabitant of said village, to quell all disturbances, riots and routs, and to make any legal arrest; and any person refusing or neglecting to render such assistance in pursuance of such command, shall, on conviction, be subject to a fine not exceeding twenty dollars, and imprisonment, until such fine is paid, not exceeding thirty days.

Trustees to appoint police constable.

§ 3. The said trustees, may, by a vote of a majority of the board, from time to time, appoint one police constable for said village, who shall hold office during the pleasure of the said trustees, not exceeding one year; such police constables shall have the same power and authority, and be subject to the same liabilities as the constables elected in the town of Lenox, and shall give security in the same manner, but to be approved by the president, and filed with the clerk of the said village. Such police constable shall also act as watchman of the night whenever requested by the trustees of the said village, and he shall be entitled to the same fees for services in civil and criminal cases, as constables of the town of Lenox, and such additional compensation for his services as watchman of the night, as the board of trustees may, by resolution, provide as a charge upon the village. No person holding the office of constable by election or appointment for the town of Lenox, shall be eligible to appointment to the office of said police constable for said village.

Actions to recover penalty, &c.

§ 4. All actions to recover any penalty or forfeiture incurred under this act hereby amended, or any of the ordinances, by-laws or police regulations of said village, made pursuant to law, shall be brought in the name of

the "trustees of the village of Oneida," and they shall be brought in the court of a justice of the peace of the town of Lenox, and shall be by summons or warrant, upon the request of any one of the trustees of said village, or their attorney authorized to commence the same, and execution may be issued thereon, immediately on the rendition of the judgment, returnable within sixty days from the time of issuing the same. If the defendant or defendants have no goods or chattels whereof the judgment can be collected, the execution shall require the defendant or defendants to be imprisoned in close custody, in the common jail in Madison county, for such time as the magistrate rendering the judgment shall deem reasonable, not exceeding thirty days. All expenses incurred from the prosecution of any fine, forfeiture, penalty or for imprisonment, arising under the by-laws of said village, shall be defrayed by the corporation of said village, and all fines, penalties and forfeitures for violation of this act, and the act hereby amended, and the by-laws and ordinances of said village, when collected, shall be paid into the treasury of the said village, to the credit of the contingent fund of said village.

§ 5. In any action brought to recover any penalty imposed for a violation of any of the laws or ordinances of said village, it shall only be necessary to state in the complaint, the title and section or sections of said ordinance, law or by-law alleged to be violated, the time of its passage and the amount of the penalty claimed; any other facts may be given in evidence without being stated in the complaint, and every by-law, ordinance, resolution or proceeding of the trustees of the said village, may be read in evidence in all courts of justice in this state, either first from a copy of such by-law, ordinance, resolution or proceeding, signed by the president or clerk of said village, or second, from any printed volume containing such by-law, ordinance, resolution or proceeding, and accompanied by a certificate, signed by the clerk of said village, that such volume was printed by authority of the trustees of said village.

Complaint,
&c.

§ 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder of said village, in any action or proceeding in which the said village is a party interested.

§ 7. All acts and parts of acts inconsistent with the provisions of this act, in their application to this act, are hereby repealed.

§ 8. This act is declared to be a public act, and shall take effect immediately.

Chap. 156.

AN ACT to authorize the Eagle Bank of Rochester and the Manufacturers' Bank of Rochester to consolidate the same into a single association.

Passed April 6, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Banks to
consolidate.

SECTION 1. The Eagle Bank of Rochester, and the Manufacturers' bank of Rochester, associations formed under and in pursuance of the provisions of the act to authorize the business of banking, passed April eighteenth, eighteen hundred and thirty-eight, and the act supplementary to and amendatory thereof, are hereby authorized to consolidate the same into a single association, to be located in the city of Rochester, in the manner following:

Agreement
to be enter-
ed into.

§ 2. The directors of the said associations may enter into an agreement under their respective corporate seals, for the union or consolidation of the said associations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name and duration of the new association, the number of directors, the names of the persons to constitute the first board of directors, the time and place of holding the first election of directors, the amount of capital stock, the number of shares into which the same shall be divided, and the manner of converting the shares of each of said associations into the shares of the new association, with such other details and provisions as they may deem expedient, not inconsistent with the provisions of the said act to authorize the business of banking, and the acts amendatory thereof. Notice of the intention to consolidate said associations shall be given

personally or by mail to each stockholder of each of said associations, at least ten days previous to entering into said agreement.

§ 3. The written consent of stockholders owning at least two-thirds in amount of the capital stock of each of said associations, shall be requisite to the validity of the said agreement. Upon the presentation to the superintendent of the bank department, of the said agreement, duly proved or acknowledged, together with satisfactory proof by affidavit or otherwise, of the assent thereto, of stockholders owning two-thirds in amount of the capital stock of each of said associations as aforesaid, and of the service of notice upon each stockholder as aforesaid, the said superintendent may make his certificate, declaring that such consolidation is allowed upon the terms in the said agreement specified. One copy of said agreement, with the said certificate, shall be enrolled and filed in the bank department, and a duplicate thereof, duly proved or acknowledged, with a copy of the said certificate signed by the said superintendent, shall be recorded in the office of the clerk of the county of Monroe, and such agreement and certificate, when so recorded, or duly certified copies thereof, may be used and received in evidence.

Written consent of two-thirds of capital stock, &c.

§ 4. Upon the recording of the said agreement and certificate, the said consolidated associations shall be and become a single banking association, in accordance with the said agreement and certificate, with the same franchises, rights, powers and privileges, and subject to the same duties, conditions and limitations, as the several constituent associations; and such consolidated association shall be vested with all the estate, property, credits and effects of the constituent associations, without deed or other transfer, and shall be liable for all their contracts, debts, obligations and liabilities, and the separate existence and operation of such constituent associations shall thereupon cease and determine.

Upon recording agreement, such banks become consolidated.

§ 5. No action or other proceeding now pending before any court or tribunal, in which either of said constituent associations may be a party, shall be deemed to have abated or been discontinued by reason of their consolidation; but the same may be prosecuted to final judgment and execution, in the same manner as if this act had not been passed, or the said new association, by order of the

No action to be abated by reason of consolidation.

court in which such proceeding may be pending, may be substituted as a party in place of either of the original associations, in any stage of such proceedings.

Objection to
such con-
solidation.

§ 6. [If any stockholder in either of the associations named in the first section of this act, who shall not have assented to such consolidation, shall, within twenty days after the agreement and certificate hereinbefore mentioned shall be recorded in the clerk's office of the county of Monroe, object to said consolidation, and demand payment for his stock, such stockholder or said consolidated association may apply to the supreme court, at any special term thereof to be held in the county of Monroe, upon a notice of at least ten days to the opposite party, for the appointment of three disinterested persons, to appraise the value of such stock. The court shall thereupon appoint such appraisers, and fix the time and place of their first meeting. The said appraisers shall hear such evidence as may be produced before them, and they or any two of them shall appraise the value of said stock, at the time of the dissent of such stockholder, and said association shall pay to said stockholder the appraised value of said stock, and upon the payment of such appraised value by the said association, the interest of such stockholder in the property and effects of said association shall cease, and the said stock may be held and disposed of by the said association for its own benefit; the costs and expenses of such appraisal shall be borne equally by the respective parties.]

§ 7. This act shall take effect immediately.

Chap. 157.

AN ACT to legalize the acts of George W. Smith,
a justice of the peace.

Passed April 6, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All proceedings which have been had by and before George W. Smith, acting as a justice of the

peace in and for the town of Hastings and county of Oswego, since the first day of January, one thousand eight hundred and fifty-seven, shall be held to be of the same force and validity as if the said George W. Smith had been duly elected and qualified as such justice of the peace, in the manner and within the time required by law; but nothing in this act shall be construed to affect any action or proceeding commenced before the passage thereof.

SECTION 2. This act shall take effect immediately.

Chap. 158.

AN ACT to release the escheated land of Alexander Lawson, deceased.

Passed April 7, 1859; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the people of this state, acquired by escheat on the death of Alexander Lawson, formerly of the city of New York, in and to the premises known as number two hundred and fifty-one (formerly number two hundred and thirty-seven), East Thirteenth street, in said city, is hereby released to and vested in Philo L. Mills, of said city, his heirs and assigns.

§ 2. Nothing in this act contained shall affect the rights of any creditors of said Alexander Lawson.

Chap. 159.

AN ACT to release the interest of the state in certain lands of which Charles Lester died possessed, to Sarah Lester, his widow.

Passed April 7, 1859; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title, interest and estate of the people of this state, in and to any real estate situated in the town of Newtown, Queens county, of which Charles Lester died seised, acquired by the escheat of the same on the death of the said Charles Lester, is hereby released to and vested in Sarah Lester, widow of the said Charles Lester, deceased, her heirs and assigns forever.

SECTION 2 Nothing contained in this act, shall affect the rights of any creditor of the said Charles Lester, deceased, in and to said real estate or any part thereof.

SECTION 3. This act shall take effect immediately.

Chap. 160.

AN ACT to provide for the payment of certain claims against the city of Brooklyn.

Passed April 7, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any judgment shall have been or shall be recovered, or indebtedness shall have been liquidated against the city of Brooklyn, funds to pay which shall not have been previously raised and appropriated, and when sufficient funds applicable to the purpose may not be in the treasury, it shall and may be lawful for said city, and the common council thereof are hereby authorized and empowered to cause its corporate bond or bonds to be issued for an amount sufficient to pay such

judgment, payable with interest, at such time or times as the said common council shall determine.

§ 2. If the indebtedness shall have arisen upon a demand which is not the subject of an assessment for a local improvement, an amount sufficient to pay such bond or bonds shall be raised in the annual taxes upon the whole city, or such part thereof as the same may be properly charged upon, of the next succeeding year, or years not exceeding three, as may be determined by the joint board of common council and supervisors, and such bond or bonds shall be paid with the money so raised.

§ 3. If the indebtedness shall have arisen upon a demand which is the subject of assessment for a local improvement, the common council shall cause an additional or further assessment, if one has been previously made, or a new assessment, if one has not been, to be made on the property liable to be assessed therefor and collected, as is or may be provided by law, and the bond or bonds issued to pay any such judgment, shall be paid out of the proceeds of the assessment so laid and collected.

§ 4. Nothing in this act contained shall be construed to affect any indebtedness of the late village or city of Williamsburgh, or any act which has been or may be passed in relation to the indebtedness thereof.

§ 5. This act shall take effect immediately.

Chap. 161.

AN ACT to erect the village of Middleburgh into a separate road district.

Passed April 7, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows :

SECTION 1. The village of Middleburgh, in the county of Schoharie, commencing at the northerly bounds of the farm of David Zeh, and running thence through said village to the bridge south of the residence of Jonas Persons, is hereby declared to be, and is hereby con-

stituted, a separate road district: and all the highway labor assessed upon the inhabitants of said village, residing within said district, shall be applied in said district in grading the streets and constructing plank or stone sidewalks in said village; and the said inhabitants, so residing as aforesaid, shall be exempt from working in any other road district in said town.

§ 2. The commissioners of highways of the town of Middleburgh, and their successors in office, shall have the same powers, and be charged with the same duties, over said district, as is now possessed by them over other road districts in said town, except they shall have no power to change the limits of said district, or to assign the inhabitants of said road district hereby created to any other district in said town. And William H. Engle, of the village of Middleburgh, is hereby appointed the overseer of said district for the ensuing year, and is to have the same powers, be charged with the same duties, and subject to the same liabilities as other overseers.

§ 3. Any inhabitant of said district, with the consent and under the direction of the overseer of said district, may grade and construct the sidewalk in front of his premises, and the expense thereof to be ascertained and fixed by said overseer, and in case the amount thereof shall exceed his highway labor for the year, at the rate of sixty-two and a half cents per day, such excess shall be credited to him at the said rate on any future assessment.

§ 4. This act shall take effect immediately.

Chap. 162.

AN ACT providing for the better collection of county taxes in the city of Buffalo, and for the sale by the treasurer of Erie county, of lands in said city for unpaid taxes.

Passed April 7, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. After the board of supervisors of the county of Erie shall have perfected the assessment rolls of the several wards of the city of Buffalo, as now provided by law, the said board shall cause the same to be delivered to the treasurer of said county on or before the first day of December in each year.

Assessment
roll.

SECTION 2. To each roll so delivered to said treasurer, a warrant, under the hands and seals of said supervisors, or a majority of them, shall be annexed, commanding him to collect from the several persons and corporations named in the assessment rolls, the several sums mentioned in the last column of said rolls opposite to their respective names, together with his fees for collecting the same, and authorizing and directing said treasurer, in case any person or corporation named in said rolls shall refuse or neglect to pay his or their taxes on or before the fifteenth day of March thereafter, to issue his warrant, under his hand and seal, to any of the constables of the city of Buffalo, commanding them to levy the tax and fees for collecting, with interest on the same at the rate of twelve per cent per annum, to be calculated from the first day of March preceding, by distress and sale of the goods and chattels of the persons or corporations upon whose real or personal estate the said tax was apportioned according to the said assessment or tax rolls, or of any goods and chattels in his or their possession, wheresoever the same shall be found within the city of Buffalo.

Warrant to
be attached
to roll.

SECTION 3. The said treasurer, upon receiving the said assessment rolls and warrants, shall immediately cause a notice to be published in four of the daily papers of the said city, one of which shall be the official paper of the

Notice to be
published
by treasurer

city, for at least twenty days, that the assessment rolls and warrants for the several wards have been received by him, and that all persons and corporations named therein are required to pay their taxes at his office on or before the fifteenth day of March next ensuing, and that upon all taxes paid before the first day of January thereafter no addition will be made, and that an addition of one per cent semi-monthly thereafter will be made upon all taxes from time to time remaining unpaid, until five per cent shall have been added.

Tax to be
paid and
charged.

SECTION 4. The said county treasurer shall receive the amount of any tax levied on said assessment rolls, with the following additions as charges for collecting, viz.:

If the same shall be paid on or before the first day of January next succeeding the levying of said tax, he shall charge and receive no addition; if paid after the said first day of January, and on or before the fifteenth day of said January, he shall receive an addition of one per cent; if paid after said fifteenth day of said January and on or before the first day of February then next, an addition of two per cent; if paid after the said first day of said February, and on or before the fifteenth day of said February, an addition of three per cent; if paid after said fifteenth day of said February, and on or before the first day of March then next, an addition of four per cent; and if paid after the said first day of March and before the fifteenth day of said March, an addition of five per cent.

Unpaid tax.

SECTION 5. If any such tax shall remain unpaid on the first day of March after the delivery of the assessment rolls and warrants to the said treasurer, he shall immediately thereafter cause notice to be published in at least four of the daily newspapers of said city, one of which shall be the official paper, respectively, at least ten days, notifying all persons who shall have omitted to pay their taxes that they are required to pay the same at his office on or before the fifteenth day of March ensuing, with five per cent fees of collecting, as aforesaid, or that he will issue his warrant for the collection thereof.

Interest on
unpaid tax.

SECTION 6. It shall be the duty of said treasurer to charge, collect and receive, upon all taxes remaining unpaid on and after said fifteenth day of March, interest at the rate of twelve per cent per annum, to be calcu-

lated from the first day of March, when the said taxes are payable, in addition to the five per cent fees for collecting, as aforesaid. It shall also be the duty of the said treasurer, if any such tax with the fees and interest thereon as herein provided, shall remain unpaid on said sixteenth day of March, to issue his warrant, under his hand and seal, to any of the constables of said city of Buffalo, commanding them, and they are hereby authorized and empowered, to levy the tax and fees as aforesaid, with interest on the same at the rate of twelve per cent per annum, to be calculated from said first day of March, by distress and sale of the goods and chattels of the persons or corporations upon whose real or personal estate the said tax was apportioned, according to the said assessment and tax rolls, or of any goods and chattels in his or their possession, wherever the same shall be found within the city of Buffalo, and to pay the same to the said treasurer, and return such warrant within thirty days after the date thereof, to said treasurer, and no claim of property to be made to such goods and chattels so found in the possession of the said party shall be available to prevent a sale thereof.

SECTION 7. The said constables shall give public notice of the time and place of sale and of the property to be sold, at least six days previous to the sale, by advertisement to be posted up in at least three public places in the ward where such sale shall be made. The sale shall be by public auction.

Constables
to give
notice, &c.

SECTION 8. Before delivering such warrant to said constables the treasurer may require of them a bond, with sureties in the penalty of double the amount of the uncollected tax, conditioned that they will faithfully perform the duties required by said warrant, which bond shall be approved by said treasurer, filed in the county clerk's office of said county, and become a lien on the real estate of said constables and sureties, and the said county treasurer shall be responsible for the faithful discharge of the duties of said constables.

Bonds to be
required.

SECTION 9. If the property distrained shall be sold for more than the amount of the tax, said fees of collecting and interest, as herein provided, and also the costs of such distress and sale, the surplus shall be returned to

Property
distrained,
&c.

the person in whose possession the property was when the distress was made, if no claim be made to such surplus by any other person. If any other person shall claim such surplus on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner; but if such claim be contested by the person for whose tax the property was distrained, the surplus moneys shall be paid to and retained by said treasurer, until the rights of the parties shall be determined by due course of law.

Unpaid tax,
to be ac-
counted for
to county
treasurer.

SECTION 10. If any of the taxes mentioned in the tax lists annexed to said warrants shall remain unpaid, and said constables shall not be able to collect the same, they shall deliver to the county treasurer accounts of the taxes so remaining due and unpaid; and upon making oath before said treasurer, or, in his absence, before the mayor of said city or any justice of the peace, that the sums mentioned in such accounts remain unpaid, and that they have not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in the possession of the persons or corporations charged with or liable to pay such sums, whereon they could levy the same, they shall be credited by the county treasurer with the amount thereof.

Duty of
treasurer,
&c.

SECTION 11. It shall not be the duty of the treasurer of Erie county to transmit to the comptroller any account of unpaid taxes, assessed upon corporations or upon lands in the city of Buffalo, or any collector's affidavit in relation thereto; nor shall the comptroller credit the said county treasurer with any unpaid taxes on lands or upon corporations; but the whole amount of any state tax imposed on property in the city of Buffalo shall be paid by the county treasurer to the treasurer of the state, on or before the first day of August next, after the same shall have been assessed upon the real and personal estate of the said city, retaining the compensation to which he may be entitled, for the benefit of the city.

Funds in
county
treasury.

SECTION 12. If there are not sufficient funds then in the county treasury, standing to the credit of the city of Buffalo, to pay such state tax, the county treasurer shall, with the consent of the judge of Erie county, provide for the payment of the same by issuing the bonds of the

county, payable within one year, with interest, for the amount of such deficiency, which bonds he shall negotiate, and report the same to the board of supervisors at their next meeting, whose duty it shall be to provide for the payment of such bonds. Before such bonds shall be issued, the treasurer shall make application, under oath, to the county judge of the necessity therefor, and the amount required; and if in the opinion of said judge the issue of such bonds is necessary, he shall make an order to that effect. Such order shall be recorded, and said application and proofs filed, in the office of the clerk of Erie county. Said bonds shall not be valid until countersigned by said county judge. And they shall be numbered and registered in said treasurer's office, and a copy of such registry, attested by the county judge, filed in said clerk's office. Such bonds shall not be for a less sum than five hundred dollars, nor over five thousand dollars each, and shall draw seven per cent interest, payable semi-annually.

SECTION 13. The county treasurer shall examine the accounts of arrears of taxes received from the said constables or collectors, and shall reject all taxes on land that shall be imperfectly described, and all taxes so erroneously assessed, in form or substance, that the collection of the same cannot be enforced, and shall deliver a transcript thereof, with such addition of five per cent, to the board of supervisors at their next meeting. The supervisors shall charge the lands, persons or corporations intended to have been assessed for the said rejected taxes with the amount of the same, respectively, adding thereto the interest in arrear at the rate of twelve per cent per annum, to be calculated from the first day of March, when the said taxes were payable, stating the tax for each year, with the interest separately, and shall direct the collection thereof in the same manner as the taxes of the year. The supervisor of the ward to which such rejected taxes shall be assessed on account of any imperfection in the description of the lands assessed, shall, together with the board of assessors of said city, cause a correct description of such lands to be entered in the next assessment roll.

County treasurer to examine accounts of arrears, &c., in taxes.

SECTION 14. Whenever any tax charged on real estate returned to the county treasurer, with the said five per

Tax returned to county treasurer,

unpaid for
one year.

cent fees and the interest thereon at the rate of twelve per cent per annum, to be calculated from the first day of March, when such tax was payable, shall remain unpaid for one year from the said first day of said March, the said county treasurer shall proceed to advertise and sell such real estate, in the manner herein provided, for the payment of such tax, fees and interest, and the expense of such sale. The expenses of publishing lists and notices and of conducting the sale shall be a charge on the lands sold and shall be added to the tax, fees and interest.

County
treasurer to
publish, &c.

SECTION 15. The said county treasurer shall, immediately after the expiration of the aforesaid one year, cause to be published once a week for twelve weeks, in two of the public newspapers of the city of Buffalo, one of which shall be the official paper of said city, a list or statement of the real estate, with such tax, fees and interest thereon, and so liable to be sold; and also a notice that the said real estate will, on a day at the expiration of the said twelve weeks, to be specified in such notice, and the succeeding days, be sold at public auction, at the county treasurer's office in the city of Buffalo, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum necessary to discharge the taxes, fees, interest and charges aforesaid, which may be due thereon at the time of such sale. Such sale shall commence on some day previous to the first day of August, in the year in which said notice is published. No greater rate shall be paid for the publication required to be made, by any provision contained in this section of this act, than is now paid or shall be paid from time to time hereafter to the official paper of said city for the publication of city tax sales.

Sale to be
continued
from day
to day.

SECTION 16. On the day mentioned in said notice the said county treasurer shall commence the sale of such real estate, and he shall continue the same from day to day until each parcel shall be disposed of.

Sales and
purchasers.

SECTION 17. The purchasers at such sales shall pay the amount of their respective bids, to the said county treasurer, within three days after the sale, and after such payment shall have been made, the said county treasurer shall give to the purchaser of any such real estate, a certificate in writing, describing the real estate purchased,

the sum paid, and the time for which the purchaser will be entitled to the possession thereof.

SECTION 18. If any purchaser, at any sale of lands for unpaid taxes hereafter to be made, pursuant to the provisions of this act, shall neglect or refuse to pay the amount of his bid or bids, within the time mentioned in the seventeenth section of this act, the county treasurer may state an account against such purchaser, and deliver it to the district attorney of the county of Erie, who shall be entitled to recover the same, with costs, from such purchaser, by an action in the name of the county treasurer, and for that purpose he shall forthwith cause a suit to be instituted therefor; or the county treasurer may, in his discretion, resell the said lands upon which such bid so remaining unpaid were made, as hereinafter provided.

Purchaser who neglects to pay amount of bid.

SECTION 19. At any time after the expiration of ten days after the sale of any lands for unpaid taxes, made in pursuance of the provisions of this act, when any purchaser at such sale, shall not have paid the amount of his bid or bids, or the same shall not have been collected from him, it shall be lawful for the county treasurer to cancel such sale, by which all the rights of said purchaser under such bid or bids shall be extinguished.

Sale, when to be canceled.

SECTION 20. When the county treasurer shall have canceled any sale in the manner herein provided, he may issue a certificate of such sale to any other person, who shall pay the amount of such certificate, which would be payable by the original purchaser in case the said sale had not been canceled. If such certificate cannot be thus sold, the lot, piece or parcel of land upon which the tax was charged shall be included in the lists of lands advertised for sale at the next ensuing sale, and the amount due thereon (in which amount shall be included, with the tax and fees, the costs and expenses of the previous sale, together with interest on the same, at the rate of twelve per cent per annum) shall be added to any other tax or charges, which may be properly chargeable thereon, at such sale, and shall then be sold in the same manner as other lands are sold at such sale.

Other person may pay on certificate, &c.

SECTION 21. The change of purchaser, if the county treasurer shall sell the certificates as provided in the last previous section, shall be noted in the sales book, and the time when made, and the certificate issued to such new

Change of purchaser to be noted.

purchaser shall vest in him and his legal representatives the same rights he would have acquired had he been the successful bidder at the sale.

§ 22. No certificate shall be delivered by the county treasurer to any purchaser at such sale, until after the said purchaser shall have paid the full amount of all his bids, and ten cents for each of said certificates, which sum shall be added to and form part of the consideration of said bid.

Redemption.

§ 23. The owner of or any person interested in any real estate sold for taxes as aforesaid, may redeem the same at any time within two years after the last day of such sale, by paying to the said county treasurer, for the use of the purchaser, his heirs and assigns, the sum mentioned in his certificate, and the interest thereon, at the rate of fifteen per cent per annum, to be calculated from the date of such certificate.

Lands unredeemed, &c.

§ 24. Whenever any lot or separate tract of land, sold for taxes by the county treasurer, and a certificate thereof given, as hereinbefore provided, or any part thereof, shall remain unredeemed at the expiration of the two years provided for the redemption thereof, the grantee to whom said certificate shall have been given, or the person claiming under him, shall serve a written notice on the owner of such land, if residing in the city of Buffalo, or if such owner is a non-resident, then upon his agent, if he has one residing in said city, or upon the occupant, if any, of such lot, or any portion thereof; and also upon all persons having mortgages upon such lots, or any parts thereof, if residing in said city, within six months from the expiration of said time to redeem, stating in substance the sale and certificate, with number of years of purchase, the person to whom made, and the amount of the consideration money mentioned in the certificate; and that such consideration money, and fifteen per cent per annum interest thereon from the date of such certificate, together with twenty-five cents for serving said notice, shall be paid to said county treasurer for the benefit of such grantee, within six months if an owner, or within nine months if a mortgagee, after the time of filing, in the said treasurer's office, of the evidence of the service of said notice, that the said sale will become absolute, and the purchaser, his heirs and assigns, be entitled to a conveyance

of the real estate so sold, which shall vest in the grantee an absolute estate for the term of years mentioned in said certificate.

§ 25. Such notice may be served personally or by leaving the same at the dwelling-house of the owner, agent, occupant, or mortgagee, as the case may be, with any person of suitable age and discretion belonging to his family.

Notice, how served.

§ 26. Whenever the owner of such lot shall be a non-resident, and has no agent as aforesaid, and there shall be no occupant as aforesaid, such notice shall be served by mailing the same, addressed to the owner at his place of residence, if the same can be ascertained after diligent inquiry, and by publishing such notice in the official paper of the city, at least one month from the date thereof, the expense of which publication shall also be paid by the party redeeming.

Non-resident owner of lands sold for taxes.

§ 27. Any person may, at any time within the six months, or a mortgagee within said nine months mentioned in such notice, redeem the said land by paying to the treasurer of the county of Erie such consideration money, with the addition of fifteen per cent interest per annum thereon, from the date of such certificate, and twenty-five cents for every notice to redeem and the expense of publishing said notice when the same shall be published; and every such redemption shall be as effectual as if made before the expiration of the two years allowed to redeem the lands sold.

Redemption.

§ 28. Any person may, at any time before the service of such notice to redeem by the purchaser, or the person claiming under him, redeem any land so sold, by paying to the treasurer of Erie county the consideration money for which the lands to be redeemed were sold, with fifteen per cent per annum interest thereon from the date of such certificate.

§ 29. Upon the redemption as herein provided, the said county treasurer shall give to the person redeeming, a certificate, under his hand and seal, stating the payment, the year in which the sale was made, and showing particularly what land such payment is intended to redeem; and such certificate shall be evidence of such redemption, and may be recorded by the clerk of Erie county in the book for the recording of deeds.

Certificate of redemption.

Notice to be
filed with
county
treasurer.

§ 30. Every purchaser, or the person claiming under him, in order to complete his title to the land conveyed, shall, within one month after the service of such notice to redeem, file with the treasurer of Erie county a copy of the notice served, together with the affidavit of some person, who shall be certified as credible by the officer before whom such affidavit shall be taken, that such notice as above required was duly served, specifying the mode of such service.

Convey-
ance may
be executed
by county
treasurer.

SECTION 31. If such county treasurer shall be satisfied by such copy and affidavit that the proper notice to redeem has been duly served, and if the moneys required to be paid for the redemption of such lands shall not have been paid as hereinbefore provided, he shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate for the term of years mentioned in his certificate; subject however to the lien of any apportionment, assessment or taxes made and levied by the mayor, aldermen and common council of the city of Buffalo. The county treasurer shall be entitled to demand and receive from the purchaser one dollar for preparing such conveyance.

Convey-
ance, how
executed.

SECTION 32. Every such conveyance shall be executed by the treasurer of the county of Erie, under his hand and seal, and the execution thereof shall be witnessed by the mayor of the city of Buffalo; and it shall be conclusive evidence that the sale was regular, and also presumptive evidence that all the previous proceedings were regular, according to the provisions of this act. The moneys received by the said county treasurer, upon every such sale of real estate for taxes, fees, interest and charges, shall be applied by him, after deducting the expenses of the sale, in like manner as if the same had been paid to him by the said constables or collectors of taxes, but the interest so received, as well as all other interest collected on taxes under this act, shall be credited to the city of Buffalo.

Purchaser
may possess
such land,
&c.

SECTION 33. Such purchaser and his legal representatives may, immediately upon receiving the said conveyance, by virtue thereof and of this act, lawfully possess, hold and enjoy the said real estate, for his and their own proper use, until the term for which the same was sold

shall be complete and ended ; and he may cause the occupant of such real estate to be removed therefrom, and the possession thereof delivered to him or them, in the same manner and by the same proceedings, and by and before the same officers, as in the case of a tenant holding over after the expiration of his term, without permission of his landlord.

SECTION 34. Whenever any purchaser under such sale shall be unable to recover possession of the real estate sold to him, by reason of any error or irregularity in the assessment of any person or property, or in the levying of any tax, or in any proceedings for the collection of a tax, the board of supervisors of the said county of Erie shall reimburse the purchase money so paid, with interest ; and upon their refusal or neglect so to do, the same may be recovered by an action against them, and shall be paid by the county treasurer, if he have any moneys in his hands sufficient for the purpose, not otherwise specifically appropriated, upon the production of a certified copy of the judgment ; and if he have no such moneys in his hands, then the same shall be added to the amount of taxes to be levied on the city of Buffalo, and collected in the same manner as other contingent expenses, and when collected shall be paid over to such purchaser.

Failure to
get possession of prop-
erty, &c.

SECTION 35. Where no provision on the subject is made in this act, all the general laws of this state, in relation to the assessment and collection of taxes, particularly those relating to the canceling of any tax which shall have been paid to any collector ; the repayment of any tax paid more than once ; the payment of a part of a tax on lands, by any person claiming a part of such lands ; the redemption of land sold for taxes, by persons claiming an undivided share or a specified portion thereof ; the effect of such redemption in reducing the land to be conveyed ; the effect of any such sale of land for taxes upon the lien of any mortgage thereon ; the right of a mortgagee to redeem the same ; the consequences of a neglect to do so after notice, and the lien of the mortgagee for the amount paid on such redemption ; the authority to withhold conveyances, when it shall be discovered that any sale of land for taxes was invalid or ineffectual to convey a title, and to refund the purchase money and interest to the purchaser, shall, so far as they

Laws applic-
able to
collection
of taxes.

are applicable, be in force, in respect of the assessment and collection of taxes in the city of Buffalo, and the sale of land for taxes, except that when any authority is given or duty enjoined by those laws on the comptroller of the state, the same authority shall be exercised and the same duty shall be devolved on the county treasurer of the county of Erie.

SECTION 36. After the receiver of taxes of the city of Buffalo shall have returned the tax of eighteen hundred and fifty-eight to said treasurer, as now provided by law, all of the provisions of this act shall apply to such tax, except that thereof the five per cent added by said receiver shall be retained by said treasurer, from all such tax as he may collect for his fees, and the other two per cent when collected shall be credited to the city of Buffalo, and the twelve per cent interest shall be computed from the time of the completion of such return; and further, that said treasurer may issue his warrant for the collection of said tax, and publish the notice to pay the same as soon as convenient after such return and the passage of this act.

Deputy
treasurer or
clerk to be
appointed.

SECTION 37. The treasurer of said county of Erie may, and he is hereby authorized and empowered, to appoint a deputy and one or more clerks, who shall take their oaths of office before and file the same with such treasurer, and such treasurer may require of each of them such bonds as may be satisfactory to him. Said deputy or clerks, or either of them, may be removed at the pleasure of said treasurer, and shall be paid by him.

Treasurer
authorized
to make
searches,
&c.

§ 38. Said treasurer is also authorized and empowered to make tax searches in his office, and to charge and receive therefor the sum of fifty cents for each lot or parcel of land so searched. And also to procure the publication of all the notices required of him by the act, and all books, blanks, stationery, and cases necessary for carrying out the provisions of this act, and charge the same to the city of Buffalo, except as provided in this act.

§ 39. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed so far as respects the city of Buffalo; but such repeal shall not revive any act already repealed, nor affect any act done, or right accrued, or any suit, proceeding or prosecution,

had or commenced, or any penalty incurred previous to the passage of this act.

§ 40. This act shall take effect immediately.

Chap. 163.

AN ACT to release the interest of the people of this State in certain real estate in Essex county, which escheated on the death of Henry Quinn, to the mother and sister of said Henry Quinn.

Passed April 7, 1859 ; by " a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title, interest and estate of the people of this state, acquired by escheat, upon the death of Henry Quinn, in and to that certain piece or parcel of land lying and being in the county of Essex, and described in a mortgage from said Quinn to Lorenzo D. Griffin, recorded in Essex county clerk's office, in book P of mortgages, on pages three hundred and seventy-five, three hundred and seventy-six and three hundred and seventy-seven, is hereby given and released to the mother and sisters of said Henry Quinn, in equal portions, their heirs and assigns forever.

Interest
of state
released.

§ 2. Nothing herein contained shall prejudice the rights of any person acquired as creditor, purchaser or mortgagee of said Henry Quinn, deceased.

§ 3. This act shall take effect immediately.

Chap. 164.

AN ACT to determine the location and width of a highway in the towns of Camillus and Geddes, in the county of Onondaga.

Passed April 7, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Location
and width.

SECTION 1. That part of the highway in the county of Onondaga, being in the towns of Camillus and Geddes, and extending from the east bounds of the corporate limits of the village of Camillus, to the west bounds of the corporate limits of the village of Geddes; which highway formerly belonged to the Seneca road company, and was afterwards conveyed by said Seneca road company to a plank road company, and by that plank road company abandoned and surrendered to said towns of Camillus and Geddes, is hereby declared to be five rods wide.

Duty of
commissioners.

§ 2. The commissioners of highways of the towns of Camillus and Geddes, are hereby severally required, in case no record of a survey of said road appears in the books of either of said towns, to cause a survey to be made and recorded, and in making said survey the commissioners shall be guided by the best evidence they can obtain to make the center line of said road conform to the center line of the old road as originally surveyed, opened and used.

§ 3. Any person who shall conceive himself aggrieved by any determination of said commissioners of highways, may appeal to the county judge of the county, in the same manner as appeals are now allowed by law in the case of laying out, altering or discontinuing any road.

§ 4. This act shall take effect immediately.

Chap. 165.

AN ACT to better secure counties against losses by county treasurers.

Passed April 7, 1859; three-fifths being present.

*The People of the State of New York, represented in
Senate and Assembly, do enact as follows:*

§ 1. Article second, part first, chapter twelve, section eighteen of the Revised Statutes is hereby amended so as to read as follows: "Every person appointed or elected to the office of county treasurer, before he enters on the duties of his office, shall give a bond to the supervisors of the county, with three or more sufficient sureties, to be approved of by the board of supervisors, and in such sum as they shall direct, conditioned that such person shall faithfully execute the duties of his office, and shall pay, according to law, all moneys which shall come to his hands as treasurer, and render a just and true account thereof to the board of supervisors, or to the comptroller of this state, when thereunto required; such bond, with the sureties as are herein provided, shall be renewed by such person at any time when, in the opinion of said board, or a majority of them, the moneys entrusted to such person as treasurer shall be deemed unsafe or the surety insufficient," and in case said county treasurer shall fail to renew said bond within twenty days after he shall be notified by said board that he is required to renew such security, such omission shall work a forfeiture of this office, and the same shall become vacant.

Art. 2, part
1, chap. 12,
§ 18 of
Revised
Statutes
amended.

§ 2. This act shall take effect immediately.

Chap. 166.

AN ACT to amend an act entitled "An act to incorporate the Monroe and Haverstraw Road Company," passed March tenth, eighteen hundred and twenty-four.

Passed April 7, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act amend-
ed.

Who may
vote for
managers of
road.

SECTION 1. Section one of "An act to incorporate the Monroe and Haverstraw Road Company," passed March tenth, eighteen hundred and twenty-four, is hereby amended by adding at the end thereof the words following: "In addition to the above named persons, their heirs and assigns, every person assessed for highway labor in road districts numbers twenty-three and twenty-eight, in the town of Haverstraw, shall be entitled to vote at the annual meetings for the election of officers to manage said road, and that the president of said road and the overseers of highways in districts numbers nine and twenty, or a majority of them, shall have power to call annual meetings and designate the place where such meeting shall be held, and all persons or corporations assessed for highway labor in said road districts numbers nine and twenty, shall be exempt from the payment of tolls on said road to an amount equal to the sum such person or corporation is assessed for such highway labor.

§ 2. This act shall take effect immediately.

Chap. 167.

AN ACT to amend an act entitled "An act to incorporate the Rochester Savings Bank," passed April twenty-first, eighteen hundred and thirty-one.

Passed April 7, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six of the act to incorporate the Rochester Savings Bank, passed April twenty-first, eighteen hundred and thirty-one, is hereby amended so as to read as follows, viz. :

Act amend-
ed.

The said corporation may receive on deposit all sums of money offered for that purpose, in such sums and on such time as are allowed by this act, and may invest the same in any public stocks of the United States or of the states of New York, Massachusetts, Pennsylvania, Ohio, Michigan, Illinois, Indiana, Missouri and Kentucky, Connecticut and Virginia, or in the bonds of the county of Monroe or city of Rochester, issued in pursuance of law ; and may make loans to be secured by said stocks or bonds, or by bond and mortgages on unincumbered productive real estate in the counties of Monroe, Wayne, Ontario, Genesee, Orleans and Livingston, worth at least double the amount loaned thereon, and sums not exceeding ten thousand dollars to any one individual ; and it shall be the duty of the trustees to invest in the securities herein and hereby provided, as soon as practicable, all moneys received by them beyond the sum deemed necessary to meet the ordinary payments to depositors, (not exceeding one-third of the amount deposited), which latter sum they may keep in reserve in banks of discount on deposit, on interest, or otherwise, in such available form as the trustees may direct, to meet such current payments ; and all such deposits shall be repaid to each depositor when required at such times and with such interest and under such regulations as the board of trustees shall from time to time prescribe ; which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation is transacted, and shall

Corporation
may receive
and invest
deposits.

not be altered so as to affect any deposits previously made, without notice to the party or parties making such deposits.

Chap. 168.

AN ACT to authorize the formation of companies for the recovery of stolen horses, cattle and sheep, and the apprehension of the thieves, and to insure against the loss of the same by being stolen.

Passed April 7, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Companies
may be
formed.

SECTION 1. It shall be lawful for any number of persons, not less than twenty, residing in this state, to form themselves into an incorporated company for the purpose of mutual insurance against loss or damage, by having had stolen any horse or horses, cattle or sheep, or any loss or expense incurred in recovering such animals as may have been so stolen, or in the apprehension of the thief or thieves, which corporation shall possess the usual powers and be subject to the usual duties of corporations, as defined in title three, chapter eighteen, part first of Revised Statutes, and the corporate name whereof shall embrace the name of the town in which the business office of said company shall be located.

Directors.

§ 2. Every company so formed, shall choose of their number not less than five nor more than nine directors, to manage the affairs of such company, who shall hold their office for one year, and until others are elected, and such directors shall choose one of their number president, and one as secretary.

Articles of
association
to be filed.

§ 3. The directors of such company shall file their articles of association, together with a copy of their by-laws and the names of the officers of such company, in the town clerk's office of the town in which the office of such company is located, and which town shall be the residence of the secretary of said company, and said secretary shall keep a record of their proceedings in a book to be kept for that purpose, together with the names of the persons insured, and the amount each person is

insured, which record shall be open for the inspection of all the members of such company from nine o'clock, A. M. to four o'clock, P. M., of each secular day, the established holidays excepted.

SECTION 4. The company may issue policies signed by their president and secretary, agreeing in the name of such company to pay all damages which may be sustained from the stealing of such animals, and the recovery thereof, and the apprehension of the thief or thieves, for a term not exceeding five years, by the holders of such policies, not exceeding the sum named in said policy, and which shall not exceed the sum of five hundred dollars. Policies.

SECTION 5. Every person so insured shall give his undertaking to said company, bearing even date with said policy so issued to him, binding himself, his heirs and assigns, to pay his pro rata share to the company, of all losses by the stealing and the recovery of such animals, and the apprehension of the thief or thieves, which may be sustained by any member thereof, and every such undertaking shall, within five days after the execution thereof, be filed by the secretary of such company, in the town clerk's office of the town in which the office of said company is located, and shall remain permanently on file in such office, except when required to be produced in evidence in court, and when so used shall be immediately returned to said office of said town clerk. He shall also, at the time of affecting such insurance, pay such percentage in cash, and such reasonable sum for a policy, as may be required by the rules or by-laws of said company. Undertaking to be given.

SECTION 6. Every member of such company who may sustain damages or loss by the stealing of such animals, the expense of the recovery thereof, and necessary expense of the apprehension of the thief therein, shall immediately notify the president or secretary of said company, who shall forthwith convene the directors, whose duty it shall be when so convened, to appoint a committee of not less than three nor more than five members of such company to ascertain the amount of such loss or damage; and in case of the inability of the parties to agree upon the amount of such loss or damage, the claimant may appeal to the county judge of the county, whose duty it shall be to appoint, by a writ- Duty in case of loss or damages

ing signed by him, three disinterested persons as a committee of reference, who shall have full authority to examine witnesses and to determine all matters of dispute, who shall make their award in writing to the president or secretary of such company within twenty days after the hearing, which award so made shall be final. The said committee of reference shall each be allowed two dollars per day for each day's service so rendered, and which shall be paid by the claimant, unless the said award of said committee shall exceed the sum offered to be paid by the company in liquidation of such loss or damage, in which case said expenses shall be paid by the company.

Assessment

SECTION 7. Whenever the amount of any loss or damages shall have been ascertained which exceeds in amount the cash funds of the company then on hand, the president shall convene the directors of said company, who shall make an assessment upon each member of the company in proportion to the amount insured by him, sufficient to pay such loss and damages, and a sum not exceeding ten per cent in addition thereto, to be determined by said directors.

**Duty of
secretary.**

SECTION 8. It shall be the duty of the secretary, whenever such assessment shall have been completed, to immediately notify every person composing such company, by letter sent to him post paid at his usual post office address, of the amount of such loss and damages, and of the sum due from him as his share thereof, and of the time when and to whom payment is to be made, but such time shall not be less than thirty nor more than ninety days from the date of such notice, and every such person so designated to receive such money, may demand and receive two per cent in addition to the amount due on such assessment, for his fees in receiving and paying over such money.

**Liability of
members.**

SECTION 9. Actions at law may be brought against any member of such company, who shall neglect or refuse to pay any such assessment made upon him or them, under the provisions of this act, and the directors of any such company so formed, who shall willfully refuse or neglect to perform the duties imposed upon them by this act, shall be liable in their individual capacity, to the person or persons sustaining such loss or damage.

SECTION 10. The directors of such company shall be chosen by ballot at the annual meeting of the members of the company, which shall be held on the second Tuesday of January in each year, at the business office of said company, and every person insured shall have one vote, but no person shall be allowed to vote by proxy at such elections.

Election of directors.

SECTION 11. It shall be the duty of the secretary of every such company to prepare a statement showing the condition of such company on the day preceding their annual meeting, verified by the affidavit of said secretary attached thereto; which statement shall contain the number of policies issued, and all other matters pertaining to the interests of such company; which statement shall be filed in the office of the clerk of the town in which such company is located, on or before the twenty-fifth day of January in each year, and which statement shall also be read to the members of such company when assembled at their annual meeting.

Secretary to prepare statement.

SECTION 12. Any member of such company may withdraw therefrom at any time, by giving notice in writing to the president or secretary of such company twenty days prior to such withdrawal, and paying his share of all claims then existing against said company; and the directors or a majority thereof shall have power to annul any policy, by giving twenty days notice, in writing, of their intention to do so, to the holder of such policy, and when so annulled said policy shall be void, and the undertaking given on issuing said policy shall also be void.

Withdrawal.

SECTION 13. The company so formed may adopt such by-laws for its regulation as are not inconsistent with the provisions of this act, and may therein prescribe the compensation of its officers.

By-laws.

SECTION 14. No company formed under this act shall continue for a longer period than thirty years.

Continue same.

SECTION 15. This act shall take effect immediately.

Chap. 169.

AN ACT relating to the auditing of the accounts of the sheriffs, deputy sheriffs, justices of the peace, and constables, in the county of Oneida.

Passed April 7, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

District
attorney
to keep
minutes.

SECTION 1. The district attorney of the county of Oneida shall keep an accurate minute or record of all processes issued by him in behalf of the people, or by any of the courts of this county, on his motion, containing the names of the parties, and the officer to whom the process shall be delivered for service. If the process be a subpoena, he shall also enter in his minutes the names of witnesses to be subpoenaed, and their places of residence, if known. The said district attorney shall also furnish an accurate copy of the minutes so kept by him, to the clerk of the board of supervisors, on the first day of their annual session.

Justices of
peace.

§ 2. All justices of the peace of the county of Oneida, before whom any proceedings shall be instituted, the costs and expenses of which shall be a town or county charge, shall keep a docket or minute of all such proceedings, containing a true title of the matter or proceeding, in which he shall enter a minute of all processes, and the name of the officer to whom the same shall have been delivered for service. If the process be a subpoena, the names of witnesses shall also be stated, together with their residence, if known. He shall transmit a true copy of such docket to the clerk of the board of supervisors, on the first day of their annual session.

Officers to
make state-
ments.

§ 3. All officers, or other person, who may by law be authorized to serve any warrant, summons, or any other precept, of any court in said county, and whose accounts for such services are by law required to be audited by the board of supervisors, shall state, in rendering such accounts, the name of the officer or court issuing them, the names of the persons on whom, and also the time and place where such service was made. No account for such

services hereafter rendered shall be audited, unless made out in compliance with the requirements of this act.

§ 4. The board of supervisors of said county shall, at their annual meeting, audit and allow to said district attorney, for necessary clerk hire in keeping and furnishing a copy of said minutes, a sum not exceeding one hundred dollars.

District attorney to be paid for clerk hire.

§ 5. This act shall take effect immediately.

Chap. 170.

AN ACT in relation to fees of notaries public in certain cases.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall not be lawful for any notary public, directly or indirectly, to demand or receive for the service of any notices of the non-payment of any tax or assessment upon any mortgagee or mortgagees, pursuant to the act authorizing mortgagees to redeem real estate sold for taxes and assessments, passed May fourteenth, eighteen hundred and forty, and for a certificate thereof under his hand and seal, any greater fee or reward than seventy-five cents for each mortgage upon which such notice or notices are given.

Fees of notary public.

Chap. 171.

AN ACT to provide for the payment of certain moneys to George Cessford, father and heir at law of William Cessford, deceased.

Passed April 8, 1859; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The treasurer shall pay upon the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the sum of one thousand five hun-

Treasurer to pay moneys on warrant of comptroller

dred dollars, to George Cessford, the father and heir at law of William Cessford, deceased, for the loss sustained by him in the death of the said William Cessford, who was crushed and burned to death at the burning of the State Lunatic Asylum at Utica, in July, eighteen hundred and fifty-seven, while in the act of saving the property of the state, and rescuing the inmates of said institution.

§ 2. This act shall take effect immediately.

Chap. 172.

AN ACT to amend the charter of the East River Insurance Company.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Capital
stock may
be increased

SECTION 1. It shall be lawful for the East River Insurance Company to increase its capital stock from time to time, in sums of not less than fifty thousand dollars at any one time, until said capital stock shall amount to the sum of five hundred thousand dollars, and for that purpose the said company is hereby authorized, from time to time, either to increase the value of the present shares or to create such a number of shares of new stock as will amount to the increase determined upon at any one time, to dispose of the same at public auction or private sale, and to issue certificates therefor to the purchaser or purchasers thereof.

Certificate
to be filed.

§ 2. Upon filing in the office of the city and county of New York a certificate, signed by the president and secretary of said company, and verified by their oath or affirmation, that the sum determined upon has been added to the capital stock of the said company, the said capital stock shall thereafter be the amount so added in addition to the present capital of said company.

Chap. 173.

AN ACT to provide for vacancies that may occur in the office of Justice of the Superior Court, or in that of Judge of the Court of Common Pleas in the city of New York.

Passed April 8, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever a vacancy shall occur in the office of any justice of the superior court of the city of New York, or of any judge of the court of common pleas of the city of New York, at any time before his term of office shall have expired (by death, resignation, removal or otherwise), the governor shall appoint a suitable person to fill the vacancy, who shall hold the office until the commencement of the political year next succeeding the first annual election after the happening of the vacancy. And if the term of office do not expire at the commencement of such political year, the residue of the term thereafter shall be filled by election, as now provided by law.

Vacancies,
how filled.

§ 2. This act shall take effect immediately.

Chap. 174.

AN ACT in relation to proceedings upon mandamus.

Passed April 8, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The court of appeals shall have power and it shall be its duty, to hear and determine all cases now pending in said court, upon writs of error heretofore brought, to review the determination of the supreme court in awarding or refusing to award a peremptory mandamus, in the same manner as if such cases had been

Duty of
court of
appeals in
certain
cases.

brought into said court of appeals by appeal under the provisions of the Code of Procedure.

Parties may amend proceedings.

SECTION 2. The court of appeals shall have power to allow any party to any proceedings upon mandamus, heretofore brought into said court by writ of error, to amend his proceedings so as to make them conform to proceedings on appeal, upon such terms as shall be just, in the same manner as defective proceedings on appeal may, by existing laws, be amended; and thereafter the said court may proceed and render judgment in said cases in the same manner and with like effect as if an appeal had originally been brought to renew said determination.

Provisions of Code of Procedure to apply.

SECTION 3. The provisions of the Code of Procedure in relation to appeals to the court of appeals, shall apply to all judgments in proceedings upon mandamus, hereafter rendered.

SECTION 4. This act shall take effect immediately.

Chap. 175.

AN ACT to provide for and regulate the election of a chief engineer and two assistant engineers of the fire department of the village of Warren, in the county of Rockland.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

A chief engineer and two assistants to be elected.

SECTION 1. The members of the different companies composing the fire department of the village of Warren, in the county of Rockland, shall, annually, and at such time or times, and in such manner as the trustees shall designate, vote for a chief engineer and two assistant engineers of the fire department of said village, and each person who shall receive the highest number of votes for such offices shall be appointed thereto by said trustees, unless in their judgment he ought not for any cause to be thus appointed. In case such nomination shall not be ratified by the trustees, they shall order a new election, and at such new election the person or persons thus rejected shall be ineligible, and all votes given for him at such new election shall be void.

A new election in case of non-concurrence by trustees.

§ 2. The trustees of said village, or at least two of them, shall preside at such election as inspectors thereof; and the clerk of said village shall also be present to keep the poll list at such election, and in case of his absence the poll list may be kept by any person who shall be appointed by such trustees so presiding.

Trustees to
act as in-
spectors.

§ 3. The chief engineer and assistant engineers so elected shall take the oath of office prescribed by the constitution, and file the same with the clerk of said village within ten days after their election, and shall hold their office until the expiration of one year from the date of such election, unless sooner removed by the said trustees.

To take
oath of
office, &c.

§ 4. In case such chief engineer or assistant engineers shall refuse or neglect to take the oath of office and file the same as aforesaid, within the space of ten days after their election, or in case of his or their death or removal before the expiration of his term, the trustees of said village shall appoint some suitable person to fill such vacancy within three weeks after it occurs.

Offices, how
filled in case
of refusal
to take oath.

§ 5. No person shall be eligible to either of said offices unless at the time of his election or nomination he shall be a member of the fire department of said village.

Not eligi-
ble unless
member of
fire depart-
ment.

§ 6. The chief engineer of the fire department shall, under the direction of the trustees, have the general superintendence and custody of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the prevention and extinguishment of fires; it shall be his duty to see that the same are kept in proper order, to call out and exercise the fire companies with their apparatus, at least once in three months, and to make detailed reports to the trustees of the state of that department, one week before each annual meeting, and to make like reports to the trustees as often as they shall require. It shall be the duty of the chief engineer to be present at fires of buildings and to take the command of the fire companies and the general control of the apparatus and operations for extinguishing such fires.

Powers and
duties of
chief engi-
neer.

§ 7. The assistant engineers shall aid the chief engineer at all fires. and in the absence of the chief the duties and powers of the office shall be exercised by the assistant engineers.

Duties of
assistant
engineers.

§ 8. Any officer or member of the fire department may

Power of
removal

vested in
trustees.

be removed by the board of trustees, for incapacity, neglect of duty, misconduct or intemperance, after giving him five days' notice to show cause against such removal and an opportunity of being heard in his defense, and in the meantime they may suspend him without notice.

Chap. 176.

AN ACT to amend an act passed April fifteenth, eighteen hundred and fifty-seven, entitled "An act to provide for the appointment of commissioners for the adjustment and payment of certain claims for the services of the militia of this state, in the war of eighteen hundred and twelve."

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners to
deposit all
papers with
adjutant-
general.

SECTION 1. The commissioners appointed, pursuant to chapter five hundred and ninety-seven of the laws of eighteen hundred and fifty-seven, of an act entitled "An act to provide for the appointment of commissioners for the adjustment and payment of certain claims for the services of the militia of this state in the war of eighteen hundred and twelve," are hereby required to deposit in the office of the adjutant-general of this state, on or previous to the tenth day of April, eighteen hundred and fifty-nine, all books, papers, letters, certificates, and blanks belonging to or in any wise appertaining or relating to the claims which have been submitted to them, or either of them, for adjustment.

Adjutant
and inspec-
tor-generals
to take pos-
session of
such papers
&c.

The adjutant and inspector generals are hereby authorized and required to demand and take possession of the books, papers, letters, certificates, and blanks, mentioned in the first section of this act, and are hereby authorized and required to revise all proceedings of said commissioners, or of any of them, and to receive proof, and ascertain and determine the sums due for the contingent expenses of the militia, and to members or individuals of any of the Indian tribes of this state, incurred in the late war with Great Britain, and referred to in the act of the

legislature, entitled "An act for the relief of certain volunteers and militia called into service for the defense of the frontiers of the state in the late war, and for other purposes," passed April twenty-first, eighteen hundred and eighteen, and in the act of ninth of April, eighteen hundred and nineteen, entitled "An act to authorize the payment of claims for services rendered and supplies furnished by the militia and volunteers of this state, called into service during the late war."

§ 3. The proof to authenticate such services and expenses, shall be the statement on oath of the services rendered and expenses incurred by the person claiming compensation stating the time of such service, the place or places where such service was rendered, and the names of the officers commanding, and that the claimant has received or is entitled to bounty lands by virtue of the laws of the United States, passed in the year eighteen hundred and fifty, and the years eighteen hundred and fifty-five, and eighteen hundred and fifty-six, to be stated to the satisfaction of the adjutant and inspector generals, which may be verified before any officer authorized to take affidavits, to be read in the supreme court of the state of New York, and such other proof as the adjutant and inspector generals may deem necessary in order to obtain the facts relating to said services and expenses.

Proof of
service.

§ 4. The adjutant and inspector generals shall report the names, residence, and amounts due the claimants, when ascertained to their satisfaction, to the comptroller, which report shall be made on or before the first day of February, eighteen hundred and sixty, and shall make a report to the legislature on or before the first day of February, eighteen hundred and sixty, of the number and the whole amount of said claims, in order that proper measures may be adopted to obtain the payment thereof from the government of the United States. And they shall also, from time to time, deliver, either personally or by mail, to each claimant whose claims they shall have examined and adjudicated, a certificate of the name and residence of such claimant, and the amount which they shall have found to be due said claimant, which certificate shall be paid and taken up by the comptroller, as provided in the eighth section of this act. All certificates which may have been issued by the commissioners, or by any

Adjutant
and inspec-
tor generals
to report
names to
comptroller

one of them, mentioned in the first section of this act, shall be revised by the adjutant and inspector generals, and corrected if found necessary, and new certificates shall be issued in lieu thereof, and delivered and reported as aforesaid.

Clerk to be employed, &c.

§ 5. The adjutant and inspector generals are hereby authorized to employ a competent clerk to assist in examining and adjudicating the said claims for services and expenses; but such clerk shall first take and subscribe an oath to faithfully and impartially execute the duties of clerk as aforesaid, and said oath shall be placed on file in the comptroller's department, before entering upon the duties of his office.

Oath to be administered.

§ 6. The adjutant-general or inspector-general is hereby authorized to administer any oath required by this act, and false swearing under this act shall be punished as willful and corrupt perjury. No claim under this act shall be audited and allowed by the adjutant and inspector generals, if it shall appear that the same has been sold or assigned by the original claimant to any other person or persons.

Payment allowed for disbursements.

§ 7. The adjutant and inspector generals shall be allowed payment for all necessary disbursements actually made under and by virtue of this act for services of clerk, for stationery, postage and printing, to an amount not to exceed one thousand dollars; and the comptroller is hereby authorized and required to draw his warrant, from time to time, on the treasury of the state, for the amounts certified to by the adjutant and inspector generals to have been incurred or expended as aforesaid, not exceeding in the aggregate the sum mentioned in this section; and such sum is hereby appropriated for that purpose.

Money, when received from United States, how applied.

§ 8. Whenever any moneys shall be received by this state from the government of the United States, on the claims referred to in the fourth section of this act, the comptroller shall cause notice to be given by advertisement for the period of one month, in the state paper, of such payment, and shall cause to be paid into the treasury of the state the amount which shall have been drawn therefrom, pursuant to the seventh section of this act, and shall cause to be paid to the commissioners mentioned in the first section of this act, the amount mentioned in section seven of said chapter five hundred and ninety-seven

of the laws of eighteen hundred and fifty-seven, and the balance remaining he shall cause to be distributed pro rata among those holding certificates of claims audited and allowed by the adjutant and inspector generals and reported to the comptroller, as provided in the fourth section of this act, whenever said certificates, after the advertisement aforesaid, shall be presented to him for payment.

§ 9. Section three of chapter five hundred and ninety-seven, aforesaid, is hereby repealed, and also all other parts of said chapter inconsistent with this act are hereby repealed.

§ 10. This act shall take effect immediately.

Chap. 177.

AN ACT authorizing and sanctioning the removal of the New York Knife Company from Matteawan, in the town of Fishkill, Dutchess county, to Walden, in the town of Montgomery, Orange county, New York.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The New York Knife Company, heretofore founded under "An act to authorize the foundation of corporations for manufacturing and chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, to carry on their operations in the town of Fishkill, Dutchess county, New York, having removed to Walden, in the town of Montgomery, Orange county, where they now are, and where they hereafter intend to remain. such removal is hereby sanctioned, and they are authorized to carry on their operations at Walden, in said town of Montgomery, Orange county, the same as they were authorized to do at Fishkill aforesaid, and with the same effect; and all grants, contracts, agreements, business and operations made or done by said company since said removal, shall be as valid and effectual, of and from the time they were made or done, as if such removal had not taken place.

Removal to
Walden
sanctioned.

§ 2. This act may be altered or amended at any time.

§ 3. This act shall take effect immediately.

Chap. 178.

AN ACT to erect the towns of Throop and Montezuma, and reorganize the town of Mentz in Cayuga county.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The town of Mentz, in Cayuga county, is hereby divided into three towns, as follows, to wit: lots forty-six, forty-seven, forty-eight, forty-nine, fifty, sixty, sixty-one, sixty-two, sixty-three, seventy-one, seventy-two, seventy-three, seventy-four, eighty-two, eighty-three, eighty-four and eighty-five, are hereby erected into a town to be known and distinguished by the name of Mentz.

SECTION 2. Lots ninety-two, ninety-three, ninety-four, ninety-five, two, three, four, five, thirteen, fourteen, fifteen, sixteen, together with lots twenty-four, twenty-five and twenty-six from the town of Aurelius in said county, and lots ninety-six, six, seventeen and twenty-seven from the town of Sennett in said county, are hereby erected into a town to be known and distinguished by the name of Throop.

SECTION 3. The residue of the present town of Mentz is hereby erected into a town to be known and distinguished by the name of Montezuma.

SECTION 4. The first annual town meetings of said towns of Mentz, Throop and Montezuma, shall be held on the first Tuesday in March, eighteen hundred and sixty, commencing at nine o'clock, A. M., at the following named places: For the town of Mentz the first town meeting shall be held at the house of R. Dyer, and Lemuel S. French, George Somers and William A. Halsey shall preside at such meeting; for the town of Throop the first town meeting shall be held at the house of L. Williams, and DeForest Sperry, Alexander Knox and Asahel Cooley shall preside at such meeting; and for the town of Montezuma the first town meeting shall be held at the house of Isaac W. Trufant, and Nathaniel Post, William K. Wheat and William Bell, Jr., shall preside at such meeting; and such persons shall appoint

a clerk, keep a poll list, and perform all the other duties as such presiding officers, which justices of the peace are authorized or required to perform in holding town meetings. Any vacancy in the number of said presiding officers shall be filled at the opening of said town meeting by the electors present.

SECTION 5. All the town officers of the present town of Mentz shall be and remain officers of the respective towns in which they shall respectively reside at the time this act shall take effect, and they shall hold their offices for such time as they would have a right to hold the same had not this act been passed.

SECTION 6. Lots twenty-four, twenty-five and twenty-six in said town of Throop, shall continue to form a part of the second assembly district of Cayuga county, until the next apportionment; and the inspectors of election of said town shall provide a ballot box marked "second assembly district," and it shall be the duty of said inspectors to deposit in said box the ballots marked "assembly" of such persons as reside on said lots twenty-four, twenty-five and twenty-six, as are entitled by law to vote for member of assembly in said district; and said board of inspectors shall make returns of such ballots to the board of county canvassers, properly certified as being cast by persons residing on said lots twenty-four, twenty-five and twenty-six and entitled to vote for member of assembly in said district.

SECTION 7. This act shall take effect on the first Tuesday in March, eighteen hundred and sixty.

SECTION 8. All acts or parts of acts inconsistent with this act are hereby repealed.

Chap. 179.

AN ACT in relation to the sheriff and clerk of the county of Schenectady.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sheriff and clerk of the county of Schenectady shall keep open their respective offices for the

transaction of business every day in the year as heretofore, except Sundays, the day appointed by the governor as a day of general thanksgiving, the days annually observed as Christmas and New Years, the twenty-second day of February, and the anniversary of American independence.

§ 2. The clerk of the county of Schenectady is hereby authorized and required to cause the calendars for the respective courts of record, held in said county, to be printed for the use of the court and the members of the bar; the expense of such printing shall be a county charge. But the clerk is not authorized to receive any further or other fees, for services performed under this act, than he is now entitled to receive by law.

Chap. 180.

AN ACT to increase the board of trustees of the North Haverstraw Presbyterian Church.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
trustees
increased.

SECTION 1. That the North Haverstraw Presbyterian Church in the town of Haverstraw, county of Rockland, are hereby authorized to increase their board of trustees to the number of nine.

§ 2. This act shall take effect immediately.

Chap. 181.

AN ACT to amend an act entitled "An act for the more effectual support and relief of the poor in the county of Fulton," passed April fourteenth, eighteen hundred and fifty-five.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two, of an act for the more effectual support and relief of the poor in the county of Ful-

ton, passed April fourteenth, eighteen hundred and fifty-five, shall be so amended as to read as follows :

§ 2. The board of supervisors of said county shall have power to authorize the supervisor of each town in said county to grant temporary relief in their respective towns, to an amount not exceeding twenty cents for each thousand dollars of the assessed valuation thereof, to be a county charge. All temporary relief granted exceeding the amount so authorized, shall be a charge upon the town where the person relieved is a resident. In case of inability, absence or vacancy in the office of supervisor, the powers and duties conferred by this act shall be performed by the justice of the peace in such town having the shortest time to serve ; and every such supervisor or justice shall receive for the services aforesaid, one dollar and fifty cents per day while actually employed, or twenty-five cents for each order; but in no case to exceed one dollar and fifty cents for all orders granted in one day.

§ 2. Section three of said act shall be amended so as to read as follows :

§ 3. No superintendent of the poor shall be elected in said county. At the annual meeting of the board of supervisors, in the fall of one thousand eight hundred and fifty-nine, one superintendent shall be appointed by said board, who shall hold his office for three years from the first day of January following, and shall reside at the poor-house in said county, and be the keeper thereof. Said superintendent shall be subject to the direction of the board of supervisors. Whenever a vacancy occurs in the office of superintendent, the county judge, treasurer and clerk shall appoint until the next annual meeting of the board of supervisors.

§ 3. This act shall take effect immediately.

Chap. 182.

AN ACT extending to George F. Von Beck, the right to establish and maintain a ferry across the Rondout creek.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Ferry established.

SECTION 1. It shall be lawful for George F. Von Beck, of the town of Kingston, in the county of Ulster, his heirs or assigns, to establish and maintain a ferry across the Rondout creek, from the lands of George F. Von Beck, in the town of Esopus, Ulster county, called South Rondout, at a place immediately adjoining the eastern bulkhead of his ice-house dock, across the said Rondout creek to his, the said George F. Von Beck's, land, adjoining the said creek, in the town of Kingston, in said county; and which lands are bounded on the west by the boat-yard formerly owned by William H. Bridger and company, and on the east by the dock of the Delaware and Hudson Canal Company.

Docks or landing places to be maintained with safe ferry boats.

SECTION 2. Convenient docks or landing places shall be maintained on such part of the lands of the said George F. Von Beck as shall be most convenient for the purpose; and proper and safe ferry boats shall be kept and maintained during the term aforesaid, capable and sufficient for the conveyance of carriages, horses, cattle, goods and chattels and passengers across said creek, and ready for that purpose at all proper times and seasons.

County courts to establish rates of ferriage.

SECTION 3. The county court of the county of Ulster, at its first session after the passage of this act, and once in every four years thereafter, during the continuance of this act, shall establish the rates of ferriage, and hours of the day that boats shall be kept in readiness at said ferry.

Penalty for charging over established rates.

SECTION 4. If the said George F. Von Beck, his heirs or assigns, or any ferryman, or other persons employed by him or them, shall take, exact or receive any greater or higher rates of ferriage than shall be established by the provisions of the next preceding section of this act, the person or persons so offending, shall forfeit and pay to the party injured, for every such offense, the sum of

five dollars, to be recovered with costs of suit, in any court having cognizance thereof.

SECTION 5. If any person or persons shall, after the passage of this act, set up, keep or maintain any ferry, or shall convey or transport any person, goods or chattels, for hire or pay, from any place on either side of the Rondout creek, between the ferry hereby granted, up to within one-fourth of a mile of Eddyville bridge, or between the ferry hereby granted and the lower Rondout ferry, now owned by Isaac D. Slaght. every such person or persons shall, for each violation of this act, forfeit and pay to the said Von Beck, his heirs or assigns, the sum of five dollars, to be recovered with costs of suit in any court of this state having cognizance thereof; provided that nothing in this act contained shall be construed to exclude any person or persons living or inhabiting along said creek, and within the limits aforesaid, from the right of conveying or transporting themselves and their goods and chattels respectively, in their own boats at pleasure.

All other ferries prohibited within certain limits.

SECTION 6. The legislature may, at any time, have full power to repeal, amend or modify this act, or any part thereof.

SECTION 7. This act shall take effect on the tenth day of April, eighteen hundred and fifty-nine.

Chap. 183.

AN ACT to incorporate the village of Clifton Springs.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the towns of Manchester and Phelps, in the county of Ontario, which is contained within the following bounds, to wit: Commencing at a stake which bears south sixty-four and one-fourth degrees west of a lone hard maple tree, about fifteen inches in diameter, on the land of Thomas Warfield, running due west seventy-two chains and thirty-five links, to a stake on A. Kendall's land, thence north fifty-one chains to a

Boundaries

stake on A. Kendall's land, thence east seventy-two chains and thirty-five links to a stake on E. W. Sherman's land, thence south fifty-one chains to the place of beginning. On the second course (which bears north) at the distance of nineteen chains and forty-two links, the line touches the southwest corner of a small white house owned by Nancy Washburn. On the fourth course at the distance of fifteen chains and fifty links, the line touches a lone maple tree, in the yard of Mr. E. W. Sherman. All within the said limits shall hereafter be known and distinguished as "the village of Clifton Springs," and the inhabitants residing within the bounds aforesaid, shall hereafter, henceforth and forever, be a body politic and corporate in fact and in name, by the name of "the trustees of the village of Clifton Springs," by which name they and their successors shall have perpetual succession, and be in law capable of suing and being sued, impleading and being impleaded, answering and being answered unto, defending and being defended in all places and courts whatsoever, and in all manner of actions, causes and complaints whatsoever; may adopt a corporation seal, change and alter it at pleasure, and shall be capable of purchasing, holding and conveying personal estate, and of purchasing, holding and conveying real estate for the public use of said village.

Trustees to
be elected.

§ 2. The inhabitants residing within said village, entitled to vote for members of assembly therein, shall meet on the first Tuesday in May next, at such place in said village, and at such time of the day as the justice or justices of the peace residing in said village shall direct, by a notice to be posted up in three or more public places, at least three days previous, and then and there elect, by ballot, five trustees, one of whom shall be president of the board of trustees, to be designated in said ballots, one treasurer, one overseer of highways, one clerk, and one collector of said village, who shall be inhabitants of said village, qualified to vote under the provisions of this section; and the justice of the peace residing within said village, shall attend and preside as inspector of said election, shall decide upon the qualifications of persons offering to vote, shall declare the persons receiving the greatest number of votes duly elected, and shall, as soon as may be thereafter, notify them of their election; and in

case of the non-attendance of any justice as aforesaid, the majority of the voters present shall appoint some proper person to preside at such election, who shall have the same powers and perform the same duties as the justice aforesaid; and on the first Tuesday in May, in each year thereafter, there shall, in like manner, be a new election of the same officers; and the trustees or a major part of them, for the time being, shall preside at such election, and conduct the same as the justice of the peace is above directed, in case the inhabitants of said village, at any previous meeting, after having elected said officers, shall by resolution or vote, designate the place and time of the day for holding the next annual election; but in case no resolution or vote as aforesaid is taken, then the said trustees, or a major part of them, shall give such notice as the said justice of the peace is above directed.

§ 3. The trustees shall have power to call special meetings, which shall be called and conducted as annual meetings are, whenever they or a majority deem fit, either to fill vacancies in office happening by death, removal, resignation or otherwise, and for other purposes; and the officers elected at an annual or special meeting shall hold their offices until others are duly elected and qualified to succeed them.

§ 4. If any person who shall have been duly elected to any office in said village shall, for five days after being notified of such election, refuse to take upon himself the duties of the office, or neglect to give notice of his acceptance thereof to the clerk of the board of trustees, he shall, for such neglect or refusal, forfeit the sum of five dollars, recoverable in the name of the trustees of said village, in any court having cognizance thereof, with costs of suit, for the use of the corporation; but no person shall be finable for refusing to serve for two successive years after his election.

§ 5. It shall be the duty of the president of said village, when present, to preside at the meetings of the trustees; to call extraordinary meetings of the trustees whenever he shall think proper; to receive complaints of any breach of the by-laws; to see that the by-laws, rules, regulations and ordinances are faithfully executed and preserved; and to prosecute, in the name of the said

Special
meetings.

Refusal to
serve.

Duties of
president.

trustees, for all offenses against such by-laws and ordinances.

Duties of
clerk.

§ 6. It shall be the duty of the clerk of said village to keep the books and papers belonging to the said corporation; to record in a book, to be provided for that purpose, the rules, votes, orders, regulations and proceedings of the inhabitants at their annual and special meetings, and also all the by-laws, votes, ordinances and proceedings of the board of trustees; to notify officers of their election as soon as may be after their election; and to perform such other duties as the trustees shall, from time to time, direct and require of him. And the said trustees may allow to him a sum for his services, annually, not exceeding twenty dollars; but neither the said trustees or treasurer shall receive anything for their services under this act.

Trustees,
their pow-
ers and
duties.

§ 7. The said trustees and their successors in office, shall have power to make and publish rules and regulations to carry into effect any power herein granted to them, and also relative to removing and preventing encroachments upon the streets and sidewalks of said village; to restrain cattle, sheep, horses, geese and swine from running at large in said streets; to regulate slaughter-houses and nuisances generally; to determine what are nuisances, and to remove, destroy or prevent the same; to suppress and restrain disorderly houses, houses of ill-fame, gaming-houses, and instruments and devices for the purpose of gaming; to regulate and prevent the firing, in the streets, of guns, pistols, crackers, rockets and squibs; to prevent the immoderate riding or driving of horses and carriages in the same; to appoint one or more persons, at reasonable times, to enter and examine all houses, stores, yards and outhouses to ascertain if they are in a dangerous state in regard to fires, and direct and compel the owner or occupant to put the same in a safe condition; to examine and regulate the weights and measures of said village; to erect and regulate hay scales in the same; to enforce and carry into effect all the rules, regulations and ordinances, adopted by the corporation at their annual or special meetings, by inflicting such penalty as they shall deem fit, not exceeding ten dollars for any one offense, recoverable, with costs, in the name of the said trustees of said village, in any court having

cognizance thereof, in which action the first process shall be by warrant or summons, at the election of the party making application therefor; and no person shall be deemed incompetent, either as a justice, juror or witness, by reason of his being an inhabitant of said village, upon any trial arising under this act.

§ 8. The said trustees shall have power to purchase the necessary land, on which to place a pound, for the use of said village to build and erect said pound, to appoint a pound master, and prescribe his powers, fees and duties, to authorize one or more persons to drive any animals found running at large in said streets to said pound, and protect them in so doing, to direct the manner of making, grading, pitching and leveling, paving and repairing sidewalks and crosswalks in said village, and to direct the manner of making all other improvements authorized by this act, and to fix the grade of all sidewalks and crosswalks, and to require, direct and regulate the planting, setting and protecting ornamental or shade trees, in any public square or street in said village, to apply any moneys in their hands, or in the hands of the overseer of highways, to the making and repairing of crosswalks over the streets in said village, and to direct when and where to make the same and of what materials.

Trustees,
their powers and
duties.

§ 9. The inhabitants of said village qualified as aforesaid, at their annual or special meeting, shall vote and determine what sum shall be raised, levied and collected from the inhabitants of said village (said sum shall not exceed two hundred dollars in any one year after the first year), for the purchasing of any personal estate for the use of said village, and to defray the ordinary expenses of the said corporation, and also for the purchase of so much land within said village, as may be necessary for the erection of a public pound and a public hay scales, which sum or sums when so determined, the board of trustees are hereby authorized and empowered to lay out, for the purpose for which it was voted; and upon any sum or sums being voted as aforesaid, the said board of trustees shall make out a tax roll, under the seal of the said corporation, apportioning the sum and the percentage of the collector, which they are authorized to add to the sum so to be raised and collected, among the several

Tax to be
determined
by vote of
inhabitants

Valuation
of taxable
property.

persons liable to taxation in said village, both resident and non-resident, according to the value of their real and personal estate within said village. The valuation of taxable property shall be ascertained and assessed by said trustees, as far as possible, from the last assessment roll of the towns of Manchester and Phelps, and in cases where the valuation of taxable property cannot be ascertained from the said assessment roll, the trustees shall assess the property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law, to proceed in the valuation of taxable property as far as practicable, and the said trustees shall by warrant authorize the collector, under their hands and seals, to collect the said tax and pay the amount to the treasurer, retaining in his hands two per cent for collecting; and the said collector, after giving security to the said trustees, to be approved by the president of said board, and filed in the office of said clerk, shall proceed to the collection with like power and authority as the collectors of towns, and shall pay the said tax to the treasurer at the time directed in his warrant; and in case any sum assessed upon any real estate, cannot be collected in the manner aforesaid, it shall remain a debt of record against the owner or occupant, and may be sued for and recovered in the name of the said trustees, with costs, and when received, shall be paid to the treasurer together with the other moneys belonging to the corporation, subject to the order of the trustees.

Treasurer
to give se-
curity.

§ 10. The trustees shall have power to exact from the treasurer such security as they shall deem proper; and no rule or ordinance shall be of any effect until it has been recorded in the clerk's office, and a copy thereof posted up in three or more public places within said village.

Licenses to
showmen,
&c.

§ 11. The trustees may license, within said corporation, under such regulations as they may deem fit, the exhibition of any show, caravan, circus, theatrical performance, or natural or artificial curiosities, on the receipt of not less than three nor more than twenty-five dollars for every forty-eight hours.

Moneys,
how paid.

§ 12. No money shall be paid by the treasurer, unless

by a vote of the trustees, and a check of the clerk, countersigned by the president of the board.

§ 13. The trustees shall, each and every year, at the place where the annual meeting is held, exhibit to such meeting a statement of all the moneys received by them, and the several sums paid out and for what purposes.

Trustees to exhibit statement.

§ 14. The said village is hereby declared a separate road district, and exempt from the superintendence of the commissioners of highways of the towns of Manchester and Phelps, and the trustees of said village shall be commissioners of highways for the same, and possess all the powers given to the commissioners of highways. The overseer of highways of said district, so chosen as aforesaid, shall possess all the powers and discharge all the duties of his district, as are given to and enjoined upon overseers of highways, giving in his lists and being accountable to the said trustees, as other overseers are to the highway commissioners. And it shall be the duty of such overseer to work all the roads, both public and private, which are situated within said village. The said trustees, may, in their discretion, direct the said overseer as to the time, place and manner of laying out the highway labor of the said village on any part thereof; and after the roads in the said village are in their opinion sufficiently improved, the said trustees may cause a portion of the said highway labor, not exceeding one-half thereof in any one year, to be laid out upon the highways leading into the said village, to a distance not exceeding one-half mile from the limits of said corporation in the said village. The said trustees may assess the highway work to be done by the taxable inhabitants of said village, either from the valuation of their property, as made by the assessors of said towns, or from the valuation of their property, to be made as hereinbefore directed, in respect to the levying and collecting taxes in the said village.

Separate road district.

§ 15. No person shall vote at any meeting in respect to raising any tax, unless he shall be qualified to vote for village officers in the said village, and shall own property liable to be assessed for taxes therein.

Taxes.

§ 16. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advanced in its behalf by its officers or by any other person, nor shall any of its money or property be

May not borrow money.

same as aforesaid, in the newspaper printed nearest to said village, and by posting the same in at least six of the most public places in said village, at least six weeks before such leasing.

What notice to specify.

§ 25. Said notice shall specify the time and place of said leasing, the number of the lot to be leased, if its number shall be known, and the street on which the same is situated, and shall otherwise so describe said lot that its locality can be easily ascertained; and it shall state the name of the person to whom said tax was assessed or against whom said expenses shall be a tax.

Lots so leased may be redeemed.

§ 26. Any lot or part of a lot which shall be so leased, may at any time, within one year from said leasing, be redeemed therefrom, by paying to the lessee the amount bid by him on said leasing, with interest thereon, at the rate of ten per cent per year from the time of said leasing, or to the treasurer of said village for his use.

Lease to be presumptive evidence.

§ 27. The lease executed by the trustees shall be presumptive evidence that all the proceedings which terminated in making said lease from, and including the voting of the tax or the directing of the sidewalk to be made or repaired, to and including said leasing, were legal.

Privileges and restrictions.

§ 28. Said corporation shall enjoy the privileges and be subject to the restrictions contained in the third chapter of title eighteen of the first part of the Revised Statutes, so far as they may be applicable to said corporation.

Trustees to constitute a board.

§ 29. The said trustees, or a majority of them, when assembled in the business of said corporation, shall constitute a board, and in case of the absence of the president, one of the trustees may be appointed by the members present as chairman of the said meeting.

Pay of overseer of highways.

§ 30. The trustees may pay the overseer of highways for his daily services such sum, from any highway money in his hands, as they may think proper, not exceeding one dollar and twenty-five cents per day.

To render account.

§ 31. The overseer of highways shall at any time, on being requested by said trustees in writing, render a just and true account of all moneys in his hands, showing from whom he received the same, how much and when, and how the same has been disbursed.

§ 32. The legislature may at any time hereafter alter, modify or repeal this act.

renewed like other warrants for the collection of taxes in said village, and shall set forth plainly, by some brief description, the lot charged with the lien, as it is required to be set forth in warrants, for the collection of taxes by town collectors, the name of the owner, the time of the adoption of the resolution directing the sidewalk to be made or repaired, under which the expenses charged on said lot were incurred, the amount of the lien, and the street and side thereof on which said sidewalk was so required to be made or repaired.

may be
issued.

§ 22. Whenever the collector of said village shall return, under oath, that within the time specified for the return thereof, in any warrant issued for the collection of taxes, or the expenses of making and repairing sidewalks therein, he was unable to find, within said village, any property out of which he could collect any such tax or expenses specified in said warrant, the trustees may, in the corporate name of said village, prosecute the person liable to pay said tax or expenses, in any court having cognizance of said case, and receive the amount with costs.

Trustees
may prose-
cute.

§ 23. All taxes levied by virtue of this act, shall be a lien upon the estate upon which they shall be assessed; and whenever a collector shall, upon any warrant for the collection of such taxes, return, upon oath, that he could not, previous to the return day of said warrant, find any property within said village out of which he could collect any such tax; and whenever, upon any such warrant issued to collect the expenses of making or repairing any sidewalk, he shall make a similar return, the trustees, may lease the real estate upon which said tax shall have been assessed, or said expenses shall be a lien, or so much thereof as may be necessary to pay said tax or expenses, and the interest thereon, and the costs of advertising and leasing as aforesaid, which cost shall not exceed five dollars, to the person who will, for the use of said real estate, or some part thereof, for the shortest period, not exceeding five years, pay such tax or expenses, interest and costs.

Taxes to be
a lien.

§ 24. The trustees shall give notice of said leasing by publishing the same in each week, for six successive weeks, in a public newspaper printed in said village, if there be one; and if there be none, by publishing the

Notice to be
given.

same as aforesaid, in the newspaper printed nearest to said village, and by posting the same in at least six of the most public places in said village, at least six weeks before such leasing.

What notice to specify.

§ 25. Said notice shall specify the time and place of said leasing, the number of the lot to be leased, if its number shall be known, and the street on which the same is situated, and shall otherwise so describe said lot that its locality can be easily ascertained; and it shall state the name of the person to whom said tax was assessed or against whom said expenses shall be a tax.

Lots so leased may be redeemed.

§ 26. Any lot or part of a lot which shall be so leased, may at any time, within one year from said leasing, be redeemed therefrom, by paying to the lessee the amount bid by him on said leasing, with interest thereon, at the rate of ten per cent per year from the time of said leasing, or to the treasurer of said village for his use.

Lease to be presumptive evidence.

§ 27. The lease executed by the trustees shall be presumptive evidence that all the proceedings which terminated in making said lease from, and including the voting of the tax or the directing of the sidewalk to be made or repaired, to and including said leasing, were legal.

Privileges and restrictions.

§ 28. Said corporation shall enjoy the privileges and be subject to the restrictions contained in the third chapter of title eighteen of the first part of the Revised Statutes, so far as they may be applicable to said corporation.

Trustees to constitute a board.

§ 29. The said trustees, or a majority of them, when assembled in the business of said corporation, shall constitute a board, and in case of the absence of the president, one of the trustees may be appointed by the members present as chairman of the said meeting.

Pay of overseer of highways.

§ 30. The trustees may pay the overseer of highways for his daily services such sum, from any highway money in his hands, as they may think proper, not exceeding one dollar and twenty-five cents per day.

To render account.

§ 31. The overseer of highways shall at any time, on being requested by said trustees in writing, render a just and true account of all moneys in his hands, showing from whom he received the same, how much and when, and how the same has been disbursed.

§ 32. The legislature may at any time hereafter alter, modify or repeal this act.

Chap. 184.

AN ACT authorizing the towns of West Farms and Morrisiana to raise money by loan to macadamize certain public roads.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the towns of West Farms and Morrisiana, in the county of Westchester, to raise money to an amount not exceeding the sum of ten thousand dollars in each town, to be appropriated to the draining and macadamizing of certain public highways therein known as the Boston post road and Fordham avenue, within the following limits: commencing at Harlem bridge, in the town of Morrisiana, and running through the Boston post road and Fordham avenue to the line dividing said towns, and thence through the town of West Farms, over Fordham avenue and public road, to the railroad depot at Fordham. It shall also be lawful for each of said towns to raise a further sum not exceeding two thousand five hundred dollars in each town to be appropriated to the draining and macadamizing of the public highway leading from the Boston road at Rae's corner to Fox's corner on said highway.

Towns to
raise money

SECTION 2. Such money shall be raised by the issue of the bonds of each town to the amount specified in the foregoing section, or for so much thereof as may be required. And such bonds shall be issued by the supervisor, justices and town clerk of each town, shall be signed by a majority of them, shall bear an interest of seven per cent, payable annually, and the principal shall be payable in annual installments of not less than one thousand dollars per year; the first installment to become due at the expiration of three years from the issuing of such bonds.

SECTION 3. The town officers before named, or a majority of them in each town, shall appoint, in writing, three persons as commissioners, who shall be authorized to receive such bonds, and to convert the same into money at not less than the par value thereof, and to enter into

Commissioners to
be appointed.

contracts in the name of the town for which they may be appointed, for the proper execution of the work, and to supervise the execution thereof, and to expend said money; and a certificate of such appointment shall be filed in the office of the town clerk.

Such commissioners to be residents, &c.

SECTION 4. Such commissioners shall be residents and electors of the town wherein they may be appointed, and shall execute bonds to the supervisor with sufficient sureties, to the satisfaction of the town officers appointing them, conditioned for the proper disbursement of the money, and for a proper accounting therefor, at each annual meeting of the board of town auditors, prior to the annual town meeting, until such money shall be fully expended.

Powers of such commissioners.

SECTION 5. A majority of such commissioners shall have power to perform the duties herein specified, and in making contracts for the performance of the work, they shall take proper security for the performance thereof, and a vacancy in their number shall be filled by such town officers, and no compensation shall be in any manner retained or allowed to or by them.

Duties of the board of supervisors, &c.

SECTION 6. It shall be the duty of the board of supervisors, of the county of Westchester, to assess upon each of said towns, and there shall be annually assessed and collected in the manner in which other town charges are collected, such sum as shall be required, from year to year, to pay the interest and principal of such bonds; and such money so to be raised shall be received and applied by the supervisors of each town, to the payment and redemption of the principal and interest of such bonds, as the same shall from time to time become due.

Money, how expended.

SECTION 7. The money raised by either town shall be expended only within the limits of such town, upon the said public roads, for the purpose of draining and macadamizing the same.

SECTION 8. The provisions of this act shall apply to said towns separately, and not jointly, and this act shall take effect immediately.

Chap. 185.

AN ACT for the relief of John Diamond and others.

Passed April 8, 1859; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate and interest of the people of the state of New York, acquired by escheat, by the death of James Diamond, in and to all the lands and real estate of which said James Diamond, late of the city of Brooklyn, died seised, situate in the county of Rensselaer in said state, and the proceeds thereof is hereby released to and vested in John Diamond, Joseph Diamond and Ann Madden, wife of Patrick Madden, the brothers and sister of said James Diamond, deceased, their heirs and assigns forever.

SECTION 2. This act shall not in any manner affect the rights or claims of any creditor of the said James Diamond either by judgment, mortgage or otherwise.

SECTION 3. This act shall take effect immediately.

Chap. 186.

AN ACT to authorize the trustees of school district number two, in the town of Luzerne, Warren county, New York, to borrow money to erect a school-house.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for a majority of the inhabitants of school district number two, in the town of Luzerne, Warren county, New York, who are entitled to vote at any school meeting, to authorize the trustees of said district to borrow a sum, not exceeding six hundred dollars, to be expended in building a new school-house in such district.

§ 2. The trustees, or trustee, if there be but one, of said school district may, on the authority above set forth, borrow the sum of not exceeding six hundred dollars, and apply the same in aid of building such school-house. For securing the amount so borrowed, to the person or persons loaning the same, the trustees, or trustee, if there is but one, may execute his official bond for said school district, payable with lawful interest in two or three equal annual installments, as may be agreed upon, and also to secure the payment of said official bond, may execute and deliver a mortgage on the school lot and school-house of the said district, conditioned for the payment of the amount or amounts secured by the said bond in the time and manner specified therein; and if the said mortgage shall be foreclosed and a sale be had of said school-house and lot, it is hereby declared that the title of the real estate shall, by virtue of said sale, pass to and vest in the purchaser or purchasers of such property.

§ 3. The said trustees, or trustee, if there be but one, and their successors, shall assess the taxable inhabitants of said district, in the manner prescribed by law, the sum or sums that may be required to pay said bond at the time or times mentioned in the same, and shall pay over the same until the bond be fully paid, and the mortgage discharged of record.

§ 4. This act shall take effect immediately.

Chap. 187.

AN ACT to repeal the act entitled "An act to authorize the erection of a school-house in the village of Canandaigua, and for the maintenance of a school for colored children to be kept therein," passed April fourteenth, eighteen hundred and fifty-two, and to authorize the trustees of said village to sell the said school-house and the lot on which it stands.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to authorize the erection of a school-house in the village of Canandaigua, and for the maintenance of a school for colored children to be kept therein," passed April fourteenth, eighteen hundred and fifty-two, is hereby repealed.

SECTION 2. The trustees of the said village are hereby authorized to sell, upon such terms as to price and time of payment as they shall deem best for the interest of the said village, and, by a proper conveyance to be signed and acknowledged by them, and to be sealed with the corporate seal of the said village, to convey the school-house erected by virtue of the said act, and the lot on which the said school-house stands.

SECTION 3. It shall be the duty of the said trustees, before making such sale and conveyance, to cause a notice that they are authorized to sell the said school-house and lot, to be published for eight successive weeks, in one of the newspapers printed in said village.

SECTION 4. The money arising from the said sale shall be paid to the treasurer of the said village; and it may be appropriated in the manner provided by law to any purpose for which taxes may be raised in the said village.

SECTION 5. This act shall take effect immediately.

Chap. 188.

AN ACT to confirm the title of Anne Jane Christie to certain lands in the village of Niagara Falls.

Passed April 8, 1859; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest which the people of this state have in and to certain real estate in the village of Niagara Falls, heretofore conveyed to Anne Jane Christie, wife of Andrew Christie, of the county of Niagara, by Samuel Smith, by reason of the alienage of said Smith, are hereby released to the said Anne Jane Christie, subject to all the claims of creditors of the said Samuel Smith, in the same manner as if he had been a native citizen; and the said Anne Jane Christie may hereafter hold and convey the said lands in the same manner and with the same effect as if the said Samuel Smith had been a citizen of the United States at the time of the execution of such conveyance.

§ 2. This act shall take effect immediately.

Chap. 189.

AN ACT to amend the charter of the village of Horse Heads, and to provide for a lock-up in said village.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Horse Heads in Chemung county, together with the president of the board of trustees and the clerk of the village of Horse Heads, and their successors in office, or a majority of them, are hereby authorized to rent and fit up a suitable building or rooms, or lease or purchase sufficient lands, and to erect thereon a suitable building for a house of detention or place of confinement of all persons charged

before any magistrate in said town with any offense against the laws of this state, while awaiting examination or trial before a magistrate or court of special sessions of the peace.

SECTION 2. If such rooms or building shall be rented for the purposes herein contemplated, no greater sum shall be raised therefor, by public tax, than fifty dollars per year; but if it shall be deemed necessary, by the persons aforesaid, or a majority of them, to erect such suitable building, no greater sum shall be raised than five hundred dollars, which shall be raised in three years, in three equal annual assessments; such tax in either case shall be assessed in the same manner as other taxes are now assessed in said town; but the supervisor of said town, for the time being, may borrow, on the credit of said town, such sum as may be necessary for the purposes above named, not exceeding five hundred dollars, to be applied to the purposes aforesaid, payable within the three years, as above mentioned.

No greater sum than \$50 to be raised for rent.

To be assessed same as other taxes.

§ 3. The said supervisor, president of the board of trustees, and clerk, shall have the control and custody of said place, and shall appoint a suitable person to take charge of said place, and to provide suitable food for all such as shall be confined from time to time, and all charges for the same same* shall be allowed by the county; but nothing in this act shall be so construed as to change the present mode of making town and county charges.

To be under control of supervisor and trustees

Chap. 190.

AN ACT further to amend the charter of the village of Waterloo, in the county of Seneca.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of said village are hereby authorized to make and establish ordinances and by-laws for the following purposes:

By-laws.

* So in original.

To prevent bonfires and set out ornamental trees, &c.

To prevent the making of bonfires in the streets or public squares of said village; to prevent the injury or destruction of shade and ornamental trees, planted or set in any street, cemetery or park of said village; to prevent the injury and destruction of lamps and lamp-posts in said village; to regulate and prohibit the selling any goods or wares at auction, in said village, for or by any person not a resident of said village, unless such person shall have procured a permit or license so to sell from said trustees, and paid for the same such sum as said trustees shall have required, but such sum shall not be less than two nor more than five dollars per day, and shall be determined by said board of trustees.

Collector to give notice of tax, &c.

§ 2. The collector of said village, after receiving any tax list and warrant, shall give the same notice, for the same period and in the same manner, and shall be entitled to the same fees for collecting all money collected by him, and no more, that collectors of towns are by law required to give and receive.

Accounts and claims against village.

§ 3. All accounts and claims against said village shall be made out and verified in the same manner and to the same effect as accounts and claims are required to be made out and verified, to be audited by boards of town auditors.

Any account may be disallowed.

§ 4. Nothing contained in the preceding section shall be construed to prevent said board of trustees from disallowing any account or claim in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness thereof.

§ 5. No person shall be an incompetent judge, justice or juror, sheriff or constable, in any action or proceeding in which said village is a party or interested, by reason of his being an inhabitant of said village or liable to taxation therein.

Time of holding annual meeting.

§ 6. After the year eighteen hundred and fifty-nine, the annual meeting of the inhabitants of said village, for the election of village officers, shall be held on the first Tuesday of February in each year.

§ 7. This act shall take effect immediately.

Chap. 191.

AN ACT in relation to the village of Delhi.

Passed April 8, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall and may be lawful for the freeholders and inhabitants of the village of Delhi aforesaid, to levy a tax not exceeding the sum of seven hundred dollars in any one year, to purchase and pay for a fire engine for the use of said village, and to extend the present water works constructed by said village for its protection against fire, but for no other purpose ; to which sum shall be added the fees of the collector of said village for the collection of such sum as may be assessed and collected. The sum hereby authorized to be levied and collected is to be in addition to what may now be levied and collected under section two of chapter one hundred and twelve of the Session Laws of eighteen hundred and twenty-one, passed March sixteenth, eighteen hundred and twenty-one, and any sum voted under this act is to be levied and collected in the manner specified in said section two.

To levy tax
not exceed-
ing \$700.

§ 2. This act shall take effect immediately.

Chap. 192.

AN ACT legalizing the conveyance of lands held by William Clarke, an alien of Lewis county.

Passed April 8, 1859 ; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All conveyance by will or otherwise, of lands held by William Clarke, deceased, an alien of the town of Croghan, county of Lewis, and all conveyances and titles growing out of and following such will or other conveyances, are hereby declared valid and in as full force as though said Clarke were a native or naturalized citizen.

§ 2. This act shall take effect immediately.

Chap. 193.

AN ACT to reduce the number of trustees of the Duryee and Forsyth Manufacturing Company.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

To reduce
the number
of trustees.

SECTION 1. The Duryee and Forsyth Manufacturing Company is hereby authorized, at its next election of trustees, to reduce the number of trustees of said company to five, which number shall thenceforth possess all the powers, and be subject to all the liabilities of the present number of trustees of said company, as authorized by its certificate of incorporation.

§ 2. This act shall take effect immediately.

Chap. 194.

AN ACT to authorize Willard Wilcox Hubbard to change his name to Willard Wilcox Belknap.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Willard Wilcox Hubbard, of the town of Moira, in the county of Franklin, an infant, is hereby authorized to assume the name of Willard Wilcox Belknap, by which name he shall hereafter be known and called.

§ 2. This act shall take effect immediately.

Chap. 195.

AN ACT in relation to the Glens Falls Cemetery.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall and may be lawful for the trustees of the village of Glens Falls, by resolution, to be duly recorded by the clerk of said village, to authorize and empower the president of said village to execute, in his official name, and acknowledge all conveyances for lots in the Glens Falls cemetery, sold by said trustees according to the provisions of an act entitled "An act in relation to cemeteries in incorporated villages," passed May seventh, eighteen hundred and forty-seven; and all conveyances so executed and acknowledged by said president shall have the same effect as if executed and acknowledge by all the trustees of said village.

President to convey lots.

§ 2. This act shall take effect immediatly.

Chap. 196.

AN ACT to amend "An act in relation to common schools in the village of Penn Yan," passed April seventeenth, eighteen hundred and fifty-seven.

Passed April 8, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act in relation to common schools in the village of Penn Yan," passed April seventeenth, eighteen hundred and fifty-seven, is hereby amended so that section second of said act shall read as follows :

Amendment.

The board of education hereinafter created shall have power, by resolution of said board, to alter and change the boundaries of said district, by and with the written consent of the school commissioner in Yates county.

Chap. 197.

AN ACT to amend an act entitled "An act to provide for a supply of water in the city of Albany," passed April ninth, eighteen hundred and fifty, and also to amend the acts amendatory of said act.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the provisions of laws now in force in regard to the redemption of lands sold for taxes, the parties entitled to make such redemption, and the time and manner in which such redemption may be made, shall apply to all buildings and real estate in the city of Albany or the town of Watervliet, which may at any time be sold, in the manner now prescribed by law, for the non-payment of water rents assessed or charged, or that may hereafter be assessed or charged upon the same, by virtue of either of the acts hereby amended.

§ 2. This act shall take effect immediately.

Chap. 198.

AN ACT to define the jail liberties of the county of Monroe.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The jail liberties of the county of Monroe, shall hereafter be the territory now comprised within the boundaries of the city of Rochester.

SECTION 2. This act shall take effect immediately.

Chap. 199.

AN ACT to amend the act entitled "An act to establish free schools in the village of Sing Sing," passed April fifteenth, eighteen hundred and fifty-four, and the act amendatory thereof, entitled "An act to amend the act entitled 'An act to establish free schools in the village of Sing Sing,' passed April fifteenth, eighteen hundred and fifty-four," passed April tenth, eighteen hundred and fifty-seven.

Passed April 8, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of the act entitled "An act to establish free schools in the village of Sing Sing," passed April fifteenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

Section 3. The supervisor of the town of Ossining, shall, on the presentation of the certificate of the said trustees, specifying the amount of school moneys necessary to be raised for said district, authorized by the preceding section, prepare a separate tax list and assess therein the required amount of school moneys, upon the taxable property within the said school district, according to the estimated value thereof in the town assessment roll of that year, and shall deliver such tax list to the town collector of the town of Ossining; and the said sum required to be raised as aforesaid, shall be inserted in each year in the supervisor's warrant to the collector of the town of Ossining, which shall authorize and require the said collector to collect the said taxes as the same are assessed in the said tax list, to be delivered to him by the supervisor of the town of Ossining, as aforesaid, and to pay the same over to the treasurer of the trustees of the said school district, within the same time he is required to pay over town and county taxes; and it shall be the duty of the said collector to collect the same with the other yearly taxes, and he shall pay over the whole amount certified to be necessary, exclusive of the fees of collection, to the

treasurer of the trustees of said school district, within the time required by said warrant; and any violation or neglect of official duty under this act, shall be deemed and is hereby declared to be a breach of his official bond as such collector; and in collecting such taxes, the said collector shall have the same powers he now has in the collection of town and county taxes, and he shall be subject to the same duties and obligations; and the county treasurer of the county of Westchester, upon the complaint of said trustees, or either of them, shall have the same power to enforce or compel payment by the said collectors, of any taxes collected or received by him by virtue of this act, as he now has to compel town collectors to pay over town or county taxes collected or received by them.

SECTION 2. Section five of the said act entitled "An act to establish free schools in the village of Sing Sing" passed April fifteenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

Section 5. The district trustees, aforesaid, shall be authorized to raise by tax, annually, for the purchase of fuel, ordinary repairs, and improvements of the school property of the district, a sum not exceeding three hundred dollars; and in case of the enlargement, rebuilding, or the erection of new school-houses, the said trustees shall be authorized to levy and raise, annually, on the taxable property of the district, with the assent of the school commissioner, the amount required for such object, which sum shall not exceed four times the usual amount authorized by law for building new district school-houses, which amount so levied shall be collected as other school moneys are, by the town collector, and paid to the treasurer of the said trustees, who shall make an exhibit and statement of all such receipts and expenditures, with his other accounts in his book, annually, as required by the school law aforesaid.

SECTION 3. Section one of the act entitled "An act to amend an act entitled 'An act to establish free schools in the village of Sing Sing,' passed April fifteenth, eighteen hundred and fifty-four," passed April tenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

Section 1. The trustees of the permanent school dis-

trict of the village of Sing Sing, erected into a free school district, by an act of the legislature, and a vote of the inhabitants of said village, in conformity with the provisions of the first section of said act, are hereby authorized and empowered to borrow a sum of money, not exceeding five thousand dollars, for the purpose of completing their new central school-house, upon the lot recently purchased, and they are hereby authorized to mortgage said school lot and improvements thereon, as security for the payment of the money so loaned, in annual installments of not less than five hundred dollars, until the same shall be paid.

SECT. 4. This act shall take effect immediately.

Chap. 200.

AN ACT to authorize the Westfield and Chautauque Lake Plankroad Company to sell or mortgage their road.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The directors of the Westfield and Chautauque Lake Plankroad Company, are hereby authorized to sell or mortgage the whole or any part of the Westfield and Chautauque Lake Plankroad.

§ 2. The person or persons purchasing the whole or any part of said road, shall possess the same privileges and be subject to the same liabilities as are now possessed by and imposed upon said company.

§ 3. This act shall take effect immediately.

Chap. 201.

AN ACT to amend the charter of the Messina Plankroad Company.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Messina Plankroad Company are hereby authorized to abandon all that part of their road lying east of the track of the New York Central railroad, where it crosses said road, in the town of De Witt, Onondaga county, and the part so abandoned shall be attached to and become a part of the road district in which any part of it may be situated ; and said Plankroad Company are hereby authorized to demand and receive one-half toll that is usually charged for four miles travel on their road, from all and every person traveling upon any portion of their road lying east of the road leading from said plankroad to the first ward of the city of Syracuse, just east of the gate on said plankroad ; and all penalties to which persons are liable for passing the gate of said road without the payment of toll, shall apply to those who pass over any portion of the plankroad east of the road leading from said plankroad to the first ward in Syracuse, just east of the gate, and turning off on said road or taking the plankroad at that point, without payment of toll.

§ 2. This act shall take effect immediately.

Chap. 202.

AN ACT causing the public roads in the town of Clay, in the county of Onondaga, to be surveyed and recorded.

Passed April 8, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of public highways in the town of Clay are hereby authorized and required to

Public
roads to be
surveyed.

cause an accurate survey of all the public roads in said town to be made, and have the same recorded in a book to be kept for that purpose, and placed in the possession of the town clerk, to be kept by him and his successors in office, and the records of such roads shall have the same validity as the original records; and in making the surveys, the commissioners shall cause the same to be made as near the old survey (the records of which have been destroyed by fire) as the best evidence that can be obtained will permit.

§ 2. The expenses of such survey shall be a town charge, and collected as other town expenses.

§ 3. This act shall take effect immediately.

Chap. 203.

AN ACT to amend an act entitled "An act in relation to the Warwick and Minisink Turnpike Company," passed July third, eighteen hundred and fifty-one.

Passed April 8, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The person or persons to whom David N. Howell, named in the act hereby amended, shall at any time hereafter sell and transfer all the shares of the capital of the said Warwick and Minisink Turnpike Company, and any other person or persons who shall hereafter become the owner or owners of said stock, such person or persons shall thereupon become vested, during such ownership, with all the privileges, powers and authority given to and vested in the said David N. Howell, as sole director of said company, by the provisions of the act hereby amended; such person or persons to be subject, however, to all the provisions, restrictions and regulations imposed on the said David N. Howell, by the provisions of the said act.

Powers,
& Co., of
David N.
Howell
vested in
successor.

§ 2. This act shall take effect immediately.

Chap. 204.

AN ACT to amend the charter of the Poughkeepsie Mutual Fire Insurance Company.

Passed April 9, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Name
changed.

SECTION 1. The Poughkeepsie Mutual Fire Insurance Company shall hereafter be known by the name of the Poughkeepsie Insurance Company.

Directors,
how elected

§ 2. The directors of said company, not to exceed twenty-five in number, shall hereafter be elected by the persons to whom policies of insurance in the company have been issued, and for which a premium note has been given, and is still in force; and the person or persons owning the cash capital of said company, or their proxies, as follows : One vote shall be allowed on every one hundred dollars of such cash capital, and one vote shall be allowed on every one hundred dollars of such premium notes in force, held by said company.

May trans-
act business
of insurance

§ 3. The said Poughkeepsie Insurance Company are hereby authorized and empowered to transact the business of insurance mentioned and specified in subdivisions one and two of the first section of the act of the legislature, passed April tenth, eighteen hundred and forty-nine, entitled "An act to provide for the incorporation of insurance companies."

§ 4. Nothing in this act contained shall in any way affect or impair any right or liability of the Poughkeepsie Mutual Fire Insurance Company, and they shall sue and be sued in their new corporate name.

§ 5. This act shall take effect immediately.

Chap. 205. '1

AN ACT to continue and extend an act entitled
 "An act to authorize the sale of the State Arsenals in New York and Albany, to provide for the purchase of the New York Arsenal property in New York, by the city of New York, and for the appropriation of the proceeds of such sales," passed April fifteenth, eighteen hundred and fifty-seven, and to make certain appropriations.

Passed April 9, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums, or so much thereof as may be necessary for the purposes hereinafter indicated, are hereby appropriated out of the balance which may remain unexpended at the date of the passage of this act, of the sum of two hundred and seventy-five thousand dollars appropriated for certain purposes by the provisions of an act entitled "An act to authorize the sale of the State Arsenals in New York and Albany, to provide for the purchase of the New York Arsenal property in New York, by the city of New York, and for the appropriation of the proceeds of such sales," passed April fifteenth, eighteen hundred and fifty-seven, and which said act is hereby continued and extended for and during the period of two years from the date of the passage of this act; and the comptroller of the state is hereby authorized to draw his warrant therefor upon the treasurer in the same manner and upon the like certificate required by the act hereby continued and extended.

Moneys appropriated, how applied.

§ 2. For a regimental armory and the purchase of the land therefor at Utica, five thousand dollars.

Armory at Utica.

For a regimental armory and the purchase of the land therefor at Oswego, three thousand dollars. Lot number twenty-seven in block one hundred and eighteen, in East Oswego, is hereby designated and set apart for the use and purposes of said armory.

Oswego.

For the completion of the Albany arsenal and armory, eight thousand dollars.

Albany.

- Malone.** For a regimental armory at Malone, in Franklin county, one thousand dollars.
- Kingston.** For a regimental armory and the purchase of the land therefor at Kingston, seven thousand dollars.
- Ogdensburgh.** For the completion of the armory at Ogdensburgh, one thousand dollars.
- Westport.** For a regimental armory and the purchase of the land therefor at Westport, fifteen hundred dollars.
- Schoharie.** For repairing and refitting the old church at Schoharie, which was purchased by the commissioners, under the act hereby continued, for an armory, one thousand dollars.
- Syracuse.** For the completion of the armory at Syracuse, one thousand dollars.
- Troy.** For a regimental armory and the purchase of the land therefor at Troy, five thousand dollars.
- Rochester.** For a regimental armory in Rochester and the purchase of the land therefor, five thousand dollars.
- Newburgh.** For a regimental armory at Newburgh, five thousand dollars.
- Auburn.** For the completion of the armory in the city of Auburn, two hundred and fifty dollars.
- Buildings already erected may be purchased.** § 3. Should the adjutant-general, the commissary-general, and the inspector-general, commissioners named in the act hereby extended, deem it to be more advantageous to the state to purchase buildings already erected, in any of the localities mentioned in the second section of this act, and to adapt the same to the purposes of an armory, then they are hereby authorized to expend the respective appropriations for such locality in such manner.
- Surplus, if any, how applied.** § 4. Should there be any surplus in any of the appropriations made by the preceding sections of this act, the same may be applied, under the direction of the governor, to meet any deficiency which may be found to exist in any of the other appropriations made by this act, or by the act hereby continued and extended.
- § 5. This act shall take effect immediately.

Chap. 206.

AN ACT further to amend an act entitled "An act to incorporate the Buffalo Burial Ground Association," passed May sixth, eighteen hundred and thirty-four.

Passed April 9, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall and may be lawful for the said corporation to take and hold any grants, donations or bequests of property, real or personal, upon trust, to apply the income thereof under the direction of the trustees of said association, for the improvement or embellishment of said cemetery, or of any building, structure or fences erected or to be erected upon the lands of said corporation, or of any individual proprietor, or of any lot or lots in said cemetery, or for the repairs, preservation or renewal of any tomb, monument, grave stone, fence, railing or other erections, in or around any cemetery lot, or for planting and cultivating trees, shrubs, flowers or plants in or around any cemetery lot, according to the terms of such grant, donation or bequest; and any court having equity jurisdiction, shall have full power and jurisdiction to compel the due performance of the said trust, or any part of them, upon the complaint of a proprietor or proprietors of any lot or lots in said cemetery. And any bequest or devise heretofore made to said corporation, for any of the purposes above set forth, is hereby confirmed, and the said corporation is authorized and empowered to hold the same for the purposes for which the same was devised.

Corporation
may take
and hold
grants,
bequests,
&c.

SECTION 2. The fifth section of said act is hereby amended by adding thereto the following: And the said cemetery shall be and hereby is declared exempt from all taxes, rates or assessments, and shall not be liable to be sold on execution, or to be applied in payment of debts due from any individual proprietor or proprietors; but they and their heirs or devisees may forever hold the same entirely and totally exempted therefrom so long as the same shall remain dedicated to the purposes

Fifth sec-
tion amend-
ed.

of a cemetery; and during which time, no street, road or avenue shall be laid through the said cemetery, or upon any part of the land held by the said corporators, for the purposes aforesaid, without the consent of the said corporation first had and obtained, except by special permission of the legislature of this state.

Lots remaining unsold, may be resurveyed.

SECTION 3. All lots or plots designated and numbered on the map of the said ground, filed by the said trustees, remaining unsold, or which may be reconveyed or surrendered to the trustees, may, by order of said trustees, be resurveyed, enlarged, subdivided or altered in shape or size, and designated by numbers or otherwise; a map of which resurvey or alteration, shall be filed by the trustees in the clerk's office of the county of Erie.

SECTION 4. This act shall take effect immediately.

Chap. 207.

AN ACT for the relief of the Medina and Alabama Plankroad Company.

Passed April 9, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Gate No. 2 may be removed.

SECTION 1. The Medina and Alabama Plankroad Company are hereby authorized to remove one of the gates on said company's road, known as gate number two, to any point south from its present location, to the south bounds of the farm formerly owned by Elijah Bent (now deceased), and the said company shall be entitled, when said gate shall be removed, to collect the same toll from persons passing said gate that they now collect.

§ 2. This act shall take effect immediately.

Chap. 208.

AN ACT to empower courts of sessions in the several counties of this state to extend their terms, and authorizing certain adjournments of such courts.

Passed April 9, 1859, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the court of sessions of any county of this state to continue its sittings at any term thereof so long as it may be necessary, in the opinion of such court, for the dispatch of any business or the determination of any cases that may be pending before such court. May continue session.

§ 2. The court of sessions of any county in this state, shall hereafter have, and may, in their discretion, exercise all the powers in regard to adjournments thereof, from time to time, which are now by law conferred upon or exercised by the court of oyer and terminer of such county in relation to adjournments of said last named court. Adjournments.

§ 3. This act shall take effect immediately.

Chap. 209.

AN ACT in relation to plankroads and turnpike roads.

Passed April 9, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The directors of any plankroad company or turnpike road company, formed under the act passed May seventh, eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of companies to construct plankroads, and for companies to construct turnpike roads," may, with the written consent of the persons owning two-thirds of the stock, construct branches to their main line of road, or extend or change May construct branches.

the route of their road, or any part thereof, whereby the public interest will be promoted, through any uncultivated or unimproved lands.

May take
and hold
necessary
real estate.

§ 2. The directors of any such company may purchase, take and hold any real estate necessary for the aforesaid purposes, and by their agents, servants or other persons employed, may enter upon the lands of any person or persons, which may be necessary for said purpose, and may construct their road upon any lands so entered upon, purchased or held.

Lands to be
surveyed.

§ 3. Before entering, taking or using any land for the purpose of this act, the directors of any such company shall cause a survey and map to be made of the lands intended to be taken or entered upon, for any of said purposes, and by which the land of each owner and occupant intended to be taken and used shall be designated, and which map shall be signed by the surveyor or engineer making the same, and by the president of such company, and acknowledged by them, and be filed in the office of the clerk of the county. The directors of any such company, by any of its officers, agents or servants, may enter upon any lands for the purpose of making any examination, and of making survey and map, doing no unnecessary damage.

Disagree-
ment.

§ 4. In case the directors of any such company cannot agree with the said owners and occupants of any land intended to be taken and used for the purposes of this act, the directors may apply to the judge of the county court for the appointment of three disinterested persons, not the owners of real estate in any town through which any land intended to be used for the purposes of this act, or in any town adjoining such town, as commissioners by whom the compensation to be paid for the damages suffered or to be suffered by any person or persons, by reason of taking any of said lands for the purposes of this act, shall be ascertained and determined, and in case of the death, resignation, refusal or disability to act of any of said commissioners, the said judge may appoint others in their place. The commissioners shall give at least ten days' written notice of the time and place to hear the parties interested, to be served personally on the parties interested, or in their absence from their dwellings or places of business, by leaving the same thereat, with some

Commis-
sioner to
give notice.

person of suitable age, and in case of any legal disability of such owner or owners, to act thereupon, serving notice in like manner, upon his or her guardian, or person appointed to act for him or her, as hereinafter directed. and in case any of said owners shall be married women, insane, infants or idiots, the said judge shall appoint some suitable person to attend in their behalf, before the said commissioners, and take care of their interest in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they, or any of them, may administer the usual oath to such witnesses. They shall determine the width of road through said lands, and make a report of all proceedings before them, containing the testimony taken by them, and make an actual survey and description thereof, as laid out by them, and the sum awarded to each owner or any other person, duly signed or acknowledged by them, and return the same to said judge to be filed on record.

§ 5. Each commissioner is entitled to receive two dollars per day for his fees, to be paid by the company.

Compensation.

§ 6. The directors of any plank or turnpike road company, or any party to the proceedings of the commissioners, may appeal from any award or determination of the commissioners, to the said county judge, providing the party appealing shall, within ten days after such award or determination shall be made, give written notice of the appeal to the other party or parties interested in the same; and the said judge shall examine the report of the commissioners, and if their proceedings in the case have been irregular, the said judge may set the same aside and order new proceedings and appointments; and the said judge may make such orders in reference to the proceedings of the commissioners, and of notices to be given by the parties as may not be inconsistent with this act, and as the nature of the case, and the interest of the parties may require. And the said commissioners shall again examine the case, and the decision then made shall be final.

Appeal.

§ 7. Upon the payment or legal tender of the compensation determined as before provided, the said directors of any plankroad company, or any turnpike road company, shall be entitled to enter upon for the purposes

Upon payment of compensation, may enter upon land.

contemplated by this act, all the lands and real estate for which such compensation shall be paid or tendered, as aforesaid, and to hold and use the same for the said purposes, to them and their successors forever. If any person to whom any compensation shall be awarded, or who shall be entitled to the same by virtue of said award, cannot be found, or shall refuse to receive the sum awarded to him or her, then the said payment may be made by depositing the amount of the said award to the credit of said person, in such bank as may be appointed by said judge. If the person to whom compensation is awarded, or who is entitled to receive the same as aforesaid, be under legal disability, as aforesaid, payment may be made to his guardian or person appointed as aforesaid, by said judge, and if said guardian or person appointed cannot be found, then by deposit in bank as aforesaid.

Directors to
take and
hold real
estate.

§ 8. The directors of any plankroad company or turnpike road company, shall take and hold, for the purpose contemplated in this act, all the lands and real estate which they shall in any way legally enter upon and take by virtue hereof, to them and their successors so long as the same shall be used for a road.

Rights of
purchasers
of plank-
roads.

§ 9. Any person or persons who have heretofore or may hereafter purchase any plankroad or any part thereof exceeding three miles under and by virtue of any mortgage executed by any plankroad company incorporated under the general plankroad law of this state, shall become the owner or owners of said road or part thereof thus purchased, and all the rights, privileges and franchises belonging to such plankroad company at the time of such purchase, subject to the same restrictions as now exist by law.

§ 10. All acts and part of acts, so far as they are inconsistent with this act, are hereby repealed.

§ 11. This act shall take effect immediately.

Chap. 210.

AN ACT to incorporate the German Savings Bank,
in the city of New York.

Passed April 9, 1859.

*The People of the State of New York, represented in
Senate and Assembly, do enact as follows:*

SECTION 1. Daniel F. Tiemann, C. Godfrey Gunther, Corporation
August Belmont, John W. Schmidt, William Jellinghaus,
Henry L. Keyser, Wm. Aufermann, William Loeschigk,
R. A. Witthaus, Edwin A. Oelrichs, Robert Schell, G.
Henry Koop, Augustus Weismann, Jacob Windmuller,
O. Ottendorfer, Anthony Dugro, Charles Brueninghaus-
sen, Charles Brensing, George Ebbinghausen, Hierono-
mus N. Wilhelm, F. Wiegand, Otto Ernst, P. Bissinger,
Theodore Vietor, John Loser, and associates, and their
successors, shall be and they are hereby constituted a
body corporate and politic, by the name of "The German
Savings Bank, in the city of New York," and by that
name shall have perpetual succession, and may sue and
be sued in any court whatever.

§ 2. The real estate which it shall be lawful for the Real estate
said corporation to purchase, hold and convey, shall be:

1. Such as may be requisite for its immediate accom-
modation, for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good
faith, for money loaned in pursuance of the provisions of
this act.

3. Such as shall have been purchased at sales upon
judgments or decrees, obtained or rendered for money so
loaned; and the said corporation shall not purchase, hold
or convey real estate, in any other case or for any other
purpose. And all such real estate as is described in the
second and third subdivisions of this section, shall be sold
by the said corporation, within five years after the same
shall be vested in it by purchase or otherwise. And the
said corporation shall not, directly or indirectly, deal or
trade in any goods, wares or merchandise whatever, ex-
cept in cases where it is authorized to do so by the terms
of this act, and except such personal property as may be
requisite for its immediate accommodation, for the con-

venient transaction of its business; such bank to be located in the city of New York.

Not to receive pay.

§ 3. The trustees of said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

Business, how managed, &c.

§ 4. The business of said corporation shall be managed and directed by a board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit. Eight of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business; and the affirmative votes of at least seven members of the board shall be requisite to make any order for, or to give authority to make any investment of moneys, or to sell or transfer any stock or securities belonging to the corporation, or for the appointment of any officer receiving a salary therefrom.

First trustees.

§ 5. The persons named in the first section of this act, shall be the first trustees of said corporation, and all vacancies by death, resignation, or otherwise, in the office of the trustee, shall be filled by the board, by ballot, without unnecessary delay, and at least six votes shall be necessary, for the election of any trustee. The said trustees shall hold a regular meeting, at least once in each month, to receive the reports of their officers, as to the business and affairs of the corporation, and to transact such business as may be necessary. And any trustee omitting to attend the regular meetings of the board for six successive months, may thereupon, at the option of the said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may, at any time, for due cause, remove any trustee, on proper notice to him, and affording an opportunity to be heard in his defense.

General business.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered, and to invest the same in the securities or stocks of this state, or of the United States, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive on deposit all sums of money which may be offered for the purpose of being

invested as aforesaid, but, not to exceed the sum of five thousand dollars from any individual, which shall as soon as practicable be invested accordingly, and shall be repaid to such depositor when required, at such times, with such interest, not exceeding seven per cent, and under such regulations as the board of trustees shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted; but shall not be altered so as to affect any deposit previously made. No president, vice-president or trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation or its deposits, or in any manner use the same or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit, made by the proper officer of such corporation, shall be as binding on such corporation as if they were made under its common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors so that they shall receive as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses. No money deposited in the said bank shall be invested except in the securities of stocks mentioned in this section, in opposition to the vote of three trustees; but money may be loaned by it on unincumbered real estate worth at least double the amount to be secured thereby. In all cases of loans upon real estate a sufficient bond or other satisfactory personal security shall be required of the borrower; and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks of this state, or of the United States, or in stocks of any city of this state, issued in pursuance of law; or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund, not exceeding one-third of the whole amount of such deposits, which said bank, at the discretion of the said trustees, may keep to meet the current payments of said corporation, and which may by them be kept on

Certificates.

Money,
how invest-
ed.Bond to be
required.Corporation
to invest.

deposit, on interest or otherwise, in such available form as the trustees may direct; provided, however, that no loan shall be made under this section upon any stocks or securities whatever, to a greater amount than three-fourths of the actual cash value of such stocks or securities at the time of making such loan. Whenever it shall appear that there is an excess of twenty-five thousand dollars in possession of said corporation, after the payment of the usual interest to the depositors, that sum shall be invested for the security of the depositors in said corporation; and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably amongst the depositors, in such manner at the board of managers shall direct.

Excess.

By-laws and regulations.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions and the mode of discharging the same; for the regulation of the times of meetings of the officers and trustees; and, generally, for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this state or those of the United States.

Officers to give security.

§ 8. The subordinate officers and agents of the said corporation shall, respectively, give such security for their fidelity and good conduct as the board of trustees may, from time to time, require; and said board shall fix the salaries of such officers and agents.

To make report.

§ 9. The said corporation shall, in the month of January, in every year hereafter, make a report to the superintendent of the banking department of this state, and to the common council of the city of New York, of its funds and investments.

Books to be kept open.

§ 10. The books of the said corporation shall, at all times during its business hours, be open for inspection and examination to the superintendent of the banking department of this state, to any depositor in such corporation, and such other persons as the legislature or the superintendent of the banking department shall designate or appoint as their agent for that purpose. Whenever

any agent shall be appointed to make any such examination, he shall be paid for his services, by such corporation, such sum as the superintendent of the banking department shall certify to be reasonable and just.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and when any deposit shall have been made by any female, being or thereafter becoming a married woman, the said corporation shall pay such last mentioned depositor such sum as may be due to her; and her check, receipt, or acquittance shall be a sufficient discharge to said corporation.

Deposits by
minors and
females.

§ 12. The misnomer of said corporation, in any instrument, shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

§ 13. The supreme court may at any time, on the application of any trustee or depositor in said bank, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and subject to the examination of such person or persons; and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the said court may confer such further powers on the person or persons so appointed, as they may consider necessary, for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons, so appointed, shall report the result of their investigation to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further mea-

Supreme
court may
appoint
persons to
examine
accounts.

Books to be
open to
such per-
sons.

To report
to supreme
court.

asures for securing the funds and property of said corporation, as the said court shall deem expedient.

Chapter 18,
part 1, of
Revised
Statutes,
applicable.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, as far as the same are applicable; and this act may be repealed, altered or amended, at any time hereafter.

§ 15. The trustees and officers of this corporation shall be subject to the provisions and penalties of chapter one hundred and thirty-six of the laws of eighteen hundred and fifty-seven.

§ 16. This act shall take effect immediately.

Chap 211.

AN ACT to release the interest of the people of this State to certain real estate in the city of New York, of which Richard E. Alcock died seised.

Passed April 9, 1859, by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state re-
leased.

SECTION 1. All the estate, right, title and interest of the people of the state of New York, in and to four certain lots or parcels of land, situate in the twelfth ward of the city of New York, of which Richard E. Alcock, late of said city, died seised, is hereby released to Mary M. Nelson, her heirs and assigns forever; said lots having been on the twenty-ninth day of October, eighteen hundred and fifty-six, purchased by said Mary M. Nelson, under an order of the surrogate of the county of New York.

Rights of
purchaser
not affected.

§ 2. Nothing in this act contained shall effect the right of any purchaser or mortgagee of the said Richard E. Alcock, deceased.

§ 3. This act shall take effect immediately.

Chap. 212.

AN ACT to provide for recording notices of pendency of suits and for printing calendars of the Circuit and Supreme Courts, in the county of Kings.

Passed April 9, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the clerk of the county of Kings, to record, in suitable books, to be provided for that purpose by the board of supervisors of said county, all notices of pendency of suits hereafter filed in his office.

Notices to
be recorded

§ 2. Said clerk shall be entitled to six cents per folio for recording said notices, to be paid by the parties filing the same.

Compensation.

§ 3. The said clerk shall cause one hundred and fifty copies of the calendars of each of the terms of the circuit court and general and special terms of the supreme court, held in and for said county, to be printed at expense of said county, for the use of the court and for distribution.

To be
printed.

§ 4. This act shall take effect immediately.

Chap. 213.

AN ACT to amend an act entitled "An act in relation to assessments for local improvements in the city of Brooklyn," passed March nineteenth, eighteen hundred and fifty-eight.

Passed April 9, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No proceedings shall be taken by the common council of the city of Brooklyn, or by any of the officers of said city, except as herein otherwise provided, to regulate and grade, or to pave, or to regrade

Petitions
for local
improvements.

and repave any street or avenue, or for digging down or filling in lots, unless upon petition, signed by a majority of the persons owning the land situated on the line of the improvement, each of such persons being the owner of at least one building lot on said line, of the usual size of city lots. Whenever such petition shall be presented, the common council of said city shall cause a notice to be published in the corporation newspapers, published in said city, that such application has been made, and of the time (which shall not be less than twenty days after the first publication of such notice), when they will proceed on such petition, which notice shall be published daily in the corporation newspapers for two weeks successively; and in case a remonstrance against the proposed improvement, signed by a majority of the owners of the lots of land within the district of assessment which shall be fixed by the common council for said improvement, shall be presented to them on or before the day specified in said notice, they shall not allow the said improvement to be made, or proceed further therein. But nothing in this act contained shall be so construed as in any way to affect any proceedings heretofore commenced by the common council of said city.

Notice to
be publish-
ed.

Expense of
improve-
ment not to
exceed one-
third the
value of lot.

§ 2. No proceedings shall be commenced by the common council of the city of Brooklyn, or by any of the officers of said city, to regulate and grade, or to pave, or to regrade and repave any street or avenue, or for the digging down or filling in lots in said city, the expense of which shall impose upon any lot of land an assessment exceeding one-third of its value, independent of any erection or buildings thereon, and which value shall be ascertained as hereinafter provided.

Common
council to
lay out
district of
assessment
and cause
map to be
made.

§ 3. The common council shall lay out a district of assessment in every case contemplated in the first and second sections of this act, before any other proceedings are had therein, and shall cause a map to be made, under the direction of the street commissioner, by a competent surveyor, on which map shall be designated by feet and inches, as near as may be, the several pieces of land and premises to be assessed for the improvement, and shall estimate the expense of any improvement or work referred to in the first and second sections of this act; and the assessors of the said city, or such of them

as shall be required so to do by the said common council, shall ascertain the value of the premises proposed to be assessed, in conformity with the second section of this act, for such expenses, stating how much of said expense is proposed to be assessed upon each lot, and shall report the same to the common council before any such improvement or work shall be ordered or determined upon by the said common council; such assessors shall, at the same time, report to the common council, for their information, an estimate of the amount of benefit which such lot will derive from such improvement; but such estimated benefit shall not be computed as a part of the value of said lots for the basis of assessment referred to in this act.

§ 4. The person so applying, and who shall have signed a petition for any such improvement, shall be chargeable with, and are hereby declared liable, for all charges and expenses which may accrue on such application, if the same is refused by the said common council.

Petitioner
to pay
charges.

§ 5. Upon the presentation of any application for any improvement or work specified or referred to in the first section of this act, and after taking the action directed in the preceding section, the said common council, if they determine that a petition for such improvement has been presented by a majority of the persons owning lands situated on the line of the improvement, and that the assessment proposed to be imposed on each lot is in just proportion to the benefit which said lot is to receive from such improvement or work, and is the just proportion of the expense of such improvement or work which said lot should bear, and also that such assessment does not exceed one-third of the assessed value of such lot, as directed to be ascertained by this act, and in case no sufficient objections are made thereto in the manner specified by the first section of this act, the said common council may then proceed to order such improvement or work to be done; and the determination, in good faith, of the common council, in respect to all the facts to be ascertained for the purpose of commencing and carrying on such proposed improvement or work shall be final and conclusive, provided that such action shall be in conformity with this act, and that no contract for such improvement or work shall be made which shall in any

Proceed-
ings on pre-
sentation of
application.

event exceed in amount the estimated expense of such improvement or work, and that the assessment for the expenses of such improvement shall be confined to the district of assessment laid out by the common council, as aforesaid.

Improvements not to be a charge against city.

§ 6. In no event shall any expense for any improvement or work contemplated by the first and second sections of this act be a charge against the city of Brooklyn, except so far as said city may be the owner of land to be assessed for such work or improvement.

City money applied to local improvement declared a misdemeanor.

§ 7. It shall be a misdemeanor, and punishable as such, for any person or officer in the city of Brooklyn to take from the treasury of said city, by warrant or otherwise, any money for or on account of the expense of any local improvement hereafter to be made in said city, unless the same has first been assessed, collected and paid into the treasury to the credit of such improvement.

Common council may fill, grade or drain lots in certain cases.

§ 8. Nothing in this act contained shall be construed so as to prevent the common council of said city from causing lots to be filled, graded or drained, in the manner now provided by law, in cases where the board of health, or the common council as a board of health, shall determine that such filling in, grading or draining is necessary in order to secure or protect the public health; but such determination shall be reduced to writing, and shall set forth the particular reason or reasons which render such filling in, grading or draining necessary, and notice thereof shall be immediately published for three successive days in the corporation newspapers, with a description of the lots to be so filled in, graded or drained; and such determination shall also be reported to the mayor at least one week before the common council shall take any action thereon.

Determination.

Powers of common council.

§ 9. The mayor and common council of the city of Brooklyn, in addition to any powers that they now possess in relation to the grading and paving of streets or avenues, shall also have the power to macadamize any street or avenue in said city and lay an assessment therefor, on any property that they shall deem benefited by such improvement, in the same way as is now provided by law for the grading and paving of streets and avenues in said city. Nothing in this section shall be so construed as to allow any street or avenue to be so macadamized, except it shall be done in the manner provided for the

grading and paving of streets and avenues in the first and second sections of this act.

§ 10. This act shall take effect immediately.

Chap. 214.

AN ACT authorizing Jonathan Preston, to establish and continue a ferry across Deering's Harbor, from Greenport to Shelter Island.

Passed April 9, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for Jonathan Preston, his heirs and assigns, to establish and maintain a ferry cross Deering's harbor, from the town of Shelter Island to the village of Greenport, in the county of Suffolk, during the period of ten years next after the passage of this act.

May maintain ferry for ten years.

SECTION 2. The said Jonathan Preston, his heirs or assigns, shall at all times keep and maintain, or cause to be kept and maintained, convenient ferry boats or vessels for the safe conveyance of passengers, horses, carriages and cattle between the places aforesaid, with safe and skillful ferrymen to attend the same.

Ferry boats

SECTION 3. The said Jonathan Preston, his heirs and assigns, shall be entitled to receive for ferriages across the said bay at the following rates : For each person, except children, twelve cents, and for children six cents each ; for every horse or mule, fifty cents ; for every head of neat cattle, fifty cents ; for every head of sheep or swine, three cents ; for every calf, ten cents ; for every dressed hog, five cents for every one hundred pounds ; for every slaughtered beast, five cents for each one hundred pounds ; for every dozen of poultry, five cents ; for every two-horse farm wagon, ox-cart, or two-horse pleasure carriage, fifty cents ; for every one-horse wagon or pleasure carriage, fifty cents ; for every hogshead filled with any material, eighteen cents ; for every barrel filled with any material, eight cents ; for every ton of coal, fifty cents ; for every cord of wood, seventy-five cents ; for every one thousand feet of lumber or timber, fifty cents ; for every box of

Rates of ferriage.

fish weighing one hundred pounds, six cents, and for every additional one hundred pounds, five cents; for every one hundred pounds of groceries and light goods, six cents; for every ton of hay or straw, sixty-three cents; for every one thousand brick, seventy-five cents; for every plow, six cents; for every stove, twelve cents; for every ton of guano, sixty-three cents; for every one hundred posts and rails, one dollar; for every bushel of grain, beans, potatoes, apples, onions and turnips, one cent, and so in proportion for any less or greater quantity for other goods, chattels and articles.

Penalty for charging higher rate of ferriage.

SECTION 4. If any higher rate of ferriage than is herein specified shall be taken by the said Jonathan Preston, his heirs or assigns, or any person or persons in his or their employ, the person so offending shall forfeit and pay to the injured party the sum of five dollars, and the surplus collected of said ferriage.

Ferry to be kept open from sunrise to sunset.

SECTION 5. If the owners or keepers of said ferry shall willfully neglect or refuse at any proper time, from sunrise to sunset, to transport or ferry across said bay any person or persons, their horses, carriages, cattle, goods or chattels, for lawful ferriage, as herein specified, or shall unnecessarily hinder or delay any person in crossing said ferry, they shall forfeit the sum of five dollars to each person aggrieved.

SECTION 6. If any person or persons, after the passage of this act, shall transport across said bay any person or persons or property for hire or pay, between Hay beach and Jennings's point, on Shelter Island, to any point or place on the opposite shore of the bay, within one mile east or west of the old wharf in the said village of Greenport, he shall forfeit and pay the sum of five dollars for each offense to the said Jonathan Preston, or to his heirs or assigns, who may sue for the same before any justice of the peace having cognizance thereof; but nothing herein contained shall be so construed as to exclude any person or persons from the right of carrying or transporting himself or themselves, and his or their goods and chattels, in his or their own boat across said bay within the points aforesaid.

SECTION 7. This act shall take effect immediately.

Chap. 215.

AN ACT for the relief of Albert G. Sage.

Passed April 9, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board is hereby authorized to hear and determine the claim of Albert G. Sage, and award to him such damages, if any, as shall be just and equitable, on account of the suspension by the state of the work on lock number two, of the Erie canal enlargement, November first, eighteen hundred and fifty-six; and subsequently in the canceling of the contract for the same, by the canal board, on the thirtieth day of June, eighteen hundred and fifty-eight; but prospective profits shall not be allowed as damages.

Canal board may hear claim and award damages.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as shall be awarded to said claimant under this act, out of any moneys in the treasury applicable to the enlargement of the Erie canal, not otherwise appropriated.

Award to be paid on warrant of auditor.

Chap. 216.

AN ACT for the payment of certain moneys to the Ingham University.

Passed April 9, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, to the treasurer of the Ingham University, one hundred and sixty dollars, apportioned by the regents of the university, to the Ingham Collegiate Institute for the instruction of common school teachers, in the year eighteen hundred and fifty-seven.

Apportionment.

§ 2. The regents of the university are hereby directed to certify to the comptroller, to what sum of money the trustees of the Ingham Collegiate Institute would have

Regents of university to certify to comptroller

been entitled, in the distribution of money to academies, made in January, eighteen hundred and fifty-eight, if the law had not been passed, changing the corporate powers of said institution; and also the sum to which the councillors of the Ingham University would have been equitably entitled under the distribution of the present year, to academies, agreeable to their report of the preparatory or academic department of said university, and the whole sum so certified shall not exceed seven hundred and seventy-seven dollars and ninety-one cents, and shall be paid by the treasurer, on the warrant of the comptroller, to the treasurer of the said university, out of the unexpended balance of eighteen thousand dollars appropriated by chapter five hundred and forty-one of the Laws of eighteen hundred and fifty-seven for the instruction of common school teachers.

§ 3. This act shall take effect immediately.

Chap. 217.

AN ACT to authorize the Potsdam and Watertown Railroad Company to increase their rates of fare for the transportation of passengers.

Passed April 9, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

May charge
four cents
per mile.

SECTION 1. It shall be lawful for the Potsdam and Watertown Railroad Company to demand and receive, for the transportation of passengers over said road, at the rate of not exceeding four cents for each mile they shall convey any passenger over said road.

§ 2. All provisions of law conflicting with this act, so far as they so conflict, and no more, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 218.

AN ACT for the election of supervisors in the city of Albany.

Passed April 9, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Hereafter the supervisors of each ward of the city of Albany shall be elected at the charter election held upon the second Tuesday of April in each year, and shall hold their offices for the term provided by law. When elected and term of office.

§ 2. All acts heretofore passed inconsistent herewith are hereby repealed.

§ 3. This act shall take effect immediately.

• Chap. 219.

AN ACT to divide the town of Chateaugay, Franklin county, into two election districts.

Passed April 9, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The town of Chateaugay, in the county of Franklin, is hereby divided into two election districts, to be known as election district number one and election district number two of the town of Chateaugay. Divided into two election districts.

SECTION 2. Election district number one shall comprise all that part of the of the* said town of Chateaugay, lying north of the south line of great lots numbers sixty-one, sixty-two, sixty-three, sixty-four, sixty-five and sixty-six. Number one.

SECTION 3. Election district number two shall comprise all that part of the town of Chateaugay lying south of the south line of great lots numbers sixty-one, sixty-two, sixty-three, sixty-four, sixty-five and sixty-six in said town. Number two.

SECTION 4. Sidney Mitchell, John Alvord and Alonzo Bullard are hereby appointed inspectors of election for district number one in said town of Chateaugay, under this act. Inspectors for district number two

* So in original.

Inspectors
for district
number
three.

SECTION 5. Luther H. Smith, Thomas Smith Roberts and John B. Bort are hereby appointed inspectors of election for district number two in said town of Chateaugay, under this act.

Annual
election.

SECTION 6. The next annual election in and for election district number one in said town shall be held at the school-house near the dwelling-house of George T. Collins in said town, and the next annual election in and for district number two in said town of Chateaugay shall be held at the hotel of Theodorus P. Roberts, in said town.

SECTION 7. All the provisions of article three, title three, chapter six, of part first of the Revised Statutes which relate to election districts, shall apply, as far as applicable, to the election districts of said town of Chateaugay.

SECTION 8. This act shall take effect immediately.

Chap. 220.

AN ACT to amend an act entitled "An act to provide against unsafe buildings in the city of New York," passed April fourteenth, eighteen hundred and fifty-six.

Passed April 9, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act of
April 14,
1856,
amended.

SECTION 1. Section eleven of the act entitled "An act to provide against unsafe buildings in the city of New York," passed April fourteenth, eighteen hundred and fifty-six, is hereby amended, by adding after the word "iron," first mentioned in said section, and between that word and the word "and," which immediately follows it, the words, "or such other equally fire proof materials as a majority of those insurance companies of the city of New York, which are incorporated under the laws of this state, will insure at the same rate of insurance as other articles in said section mentioned."

§ 12 amend-
ed.

§ 2. Section twelve of said act, is hereby amended by adding at the end thereof the words, "or such other equally fire proof roofing as a majority of the insurance

companies of the city of New York, which are incorporated under the laws of this state, will insure at the same rate of insurance as other articles in said section mentioned."

§ 3. Section sixteen of said act, is hereby amended by adding at the end thereof, the words, "or such other materials equally fire proof as a majority of the insurance companies of the city of New York, incorporated under the laws of this state, will insure at the same rate of insurance as other articles in said section mentioned." § 16 amended.

§ 4. Section seventeen of said act, is hereby amended by adding after the word "iron," in said section, and between that word and the word "and," which immediately follows it, the words, "or such other equally fire proof roofing as a majority of the insurance companies of said city, which are incorporated under the laws of this state, will insure at the same rate of insurance as other articles in said section mentioned." § 17 amended.

§ 5. This act shall take effect immediately.

Chap. 221.

AN ACT making appropriations for the canal debt, and the maintenance of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and fifty-nine, and to supply a deficiency in a former appropriation.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows:

SECTION 1. The following sums are hereby appropriated out of the canal revenues of the state canals, for the fiscal year commencing on the first day of October, eighteen hundred and fifty-nine:

For the expense of the collection of tolls, superintendence and ordinary repairs of the public works, salaries of the canal commissioners, state engineer and surveyor, auditor of the canal department, clerk hire and incidental expenses of the canal department, and canal appraisers,

Money appropriated out of canal revenues.

Tolls, superintendence, repairs, &c.

the sum of nine hundred thousand dollars, or so much thereof as may be necessary.

Deficiency. To supply the deficiency of the appropriation made under chapter three hundred and sixty-four, of the Laws of eighteen hundred and fifty-seven, for the expenses of collection, superintendence and ordinary repairs of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and fifty-seven, the sum of two hundred and twenty-eight thousand eight hundred and seventy-eight dollars and ninety-one cents.

Canal debt. For the payment of interest, and to pay the principal of the canal debt as it existed on the first day of June, one thousand eight hundred and forty-six, the sum of one million, seven hundred thousand dollars.

Sinking fund for extinguishment of general fund debt. For the payment towards the sinking fund for the extinguishment of the general fund debt, the sum of three hundred and fifty thousand dollars.

Interest on loans. For the payment of interest on loans made under the constitution, for the enlargement and completion of the canals, the sum of seven hundred and ten thousand dollars, or so much thereof as may be necessary.

Sinking fund for extinguishment of loans. To constitute a sinking fund for the extinguishment of the principal of the loans made under section three, of article seven, of the constitution, the sum of three hundred and fifty thousand dollars; but no investment in such fund shall be made except from the surplus revenues of the canals, received during the year after paying the interest on the debt created under section three of article seven of the constitution.

General fund. To pay the general fund to defray the necessary expenses of the state, the sum of two hundred thousand dollars.

Chap. 222.

AN ACT to amend the act entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories," passed April tenth, eighteen hundred and fifty, as amended by chapter seven hundred and eighty-eight, of the Laws of eighteen hundred and fifty-seven.

Passed April 11, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in other states and territories," passed April tenth, eighteen hundred and fifty, as amended by chapter seven hundred and eighty-eight, of the Laws of eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

Act amend-
ed.

The governor of this state is hereby authorized to name, appoint and commission so many commissioners in each of the other states and territories of the United States, and in the District of Columbia, and in Canada, as he may deem expedient, provided that the number of commissioners shall at no time exceed ten in any one county. The said commissioners shall continue in office for four years, and shall have authority to take the acknowledgment and proof of the execution of any deed, mortgage, lease or other conveyance of any lands, tenements or hereditaments lying and being in this state, or of any contract, assignment, transfer, letter of attorney, satisfaction of a judgment, or of a mortgage, or of any other writing or instrument under seal, to be used or recorded in this state ; also to administer an oath or affirmation to any person or persons who may desire to make such oath or affirmation.

Governor
may appoint
and com-
mission.

Term of
office, au-
thority, &c.

§ 2. This act shall take effect immediately.

Chap. 223.

AN ACT to amend chapter four hundred and fifty-eight of the Laws of eighteen hundred and fifty-seven, entitled "An act to authorize the payment of money to George Guenther for work done on the Erie canal."

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1 amend-
ed.

SECTION 1. Section one of chapter four hundred and fifty-eight of the Laws of eighteen hundred and fifty-seven, is amended so as to read as follows:

Treasurer
to pay
money to
George
Guenther.

Section 1. The treasurer, on the warrant of the auditor, is hereby directed to pay to George Guenther, his legal representatives or assigns, the sum of two hundred and fifty-nine dollars and fifty cents, with interest from the first day of May eighteen hundred and fifty-four, out of any moneys in the treasury, appropriated or to be appropriated for the Erie canal enlargement, it being for work done by said Guenther, on a culvert in the village of Brockport, after the state had taken the work out of the hands of Elijah Ennis, the contractor.

Chap. 224.

AN ACT in relation to tolls on the White's Corners and Buffalo Plankroad Company.

Passed April 11, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tolls may
be collected.

SECTION 1. It shall be lawful for the White's Corners and Buffalo Plankroad Company, at each of their first two gates on their road going out of the city of Buffalo, to demand and collect the same toll upon all carriages and other vehicles in funeral processions, except the hearse or other carriage in which shall be carried or borne

the corpse, and four other carriages attending the same, as is now chargeable by law on like carriages in other cases.

§ 2. All statutes and parts of statutes now in force, inconsistent with the foregoing section, are hereby repealed, so far only as their operation shall affect the White's Corners and Buffalo Plankroad Company.

Conflicting
statutes
repealed.

§ 3. This act shall take effect immediately.

Chap. 225.

AN ACT to amend the charter of the Sun Mutual Insurance Company of New York.

Passed April 11, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the accumulation of net profits of the Sun Mutual Insurance Company (located in the city of New York), shall exceed half a million of dollars, the excess may be employed or invested in the purchase or redemption of any of the outstanding certificates of profits, issued to its dealers, and may be invested in or loaned upon the pledge of the bonds or other evidences of indebtedness of any institution, incorporated under the laws of this state, provided, that the current market value of such bonds, or other evidences of indebtedness of such institutions, shall be at least ten per cent more than the sum so loaned thereon, and provided that no such purchase or redemption of any outstanding certificates as herein provided, shall be made until all the certificates of any preceding years, to those so purchased or redeemed have been paid or canceled in the order of their issue.

When net
profits ex-
ceed half a
million,
how invest-
ed.

§ 2. The additional powers hereby conferred shall continue for the period of thirty years, but the legislature may at any time, alter, amend or repeal this act, but nothing herein contained shall be construed to affect in any way the duration of the existing charter of the company.

Continua-
tion of addi-
tional pow-
ers.

§ 3. This act shall take effect immediately.

Chap. 226.

AN ACT to consolidate the several acts relating to the Missionary Society of the Methodist Episcopal Church, into one act, and to amend the same.

Passed April 11, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act of incorporation amended.

SECTION 1. The act entitled "An act to incorporate the Missionary Society of the Methodist Episcopal Church," passed April ninth, eighteen hundred and thirty-nine, and the several acts amendatory thereof, and relating to the said society, are respectively hereby amended and consolidated into one act; and the several provisions thereof as thus amended and consolidated, are comprised in the following sections.

Power of corporation.

§ 2 All persons associated or who may become associated together in the society above named, are constituted a body corporate, by the name and style of "The Missionary Society of the Methodist Episcopal Church," and are hereby declared to have been such body corporate since the passage of said act of April ninth, eighteen hundred and thirty-nine; and such corporation are and shall be capable of purchasing, holding and conveying such real estate as the purposes of the said corporation shall require; but the annual income of the real estate held by them at any one time, within the state of New York, shall not exceed the sum of thirty thousand dollars.

Objects.

§ 3. The objects of the said corporation are charitable and religious; designed to diffuse more generally the blessings of education and Christianity, and to promote and support missionary schools and Christian missions throughout the United States and the continent of America, and also in foreign countries.

Board of managers, their powers and duties.

§ 4. The management and disposition of the affairs and property of the said corporation, shall be vested in a board of managers, to be annually elected, at a meeting of the society, to be called for that purpose, and held in the city of New York, at such time and on such notice as the board of managers, for the time being, shall previously prescribe. Such board shall consist of not less

than thirty-two lay members, belonging to the Methodist Episcopal church, and of so many clerical members, not exceeding that number, as shall be determined upon at such annual meeting, and each of whom shall be a minister in good regular standing in the Methodist Episcopal church. Such board of managers may fill any vacancy happening therein, until the term shall commence of the managers elected at such annual meeting; shall have power to direct by what officer the conveyances of real estate by said corporation shall be executed; and shall have such other power as may be necessary for the management and disposition of the affairs and property of the said corporation.

§ 5. Thirteen members of the said board of managers, at any meeting thereof, shall be sufficient number for the transaction of business; and at any meeting of the society, twenty-five members shall be a sufficient quorum. The managers elected at each annual meeting of the society shall be the managers of such corporation for one year from the first day of January following, and until others elected in their places shall be competent to assume their duties. Quorum.

§ 6. The said corporation shall be capable of taking, receiving or holding any real estate, by virtue of any devise contained in any last will and testament of any person whomsoever; subject, however, to the limitation expressed in the second section of this act, as to the aggregate amount of such real estate; and the said corporation shall be also competent to act as a trustee in respect to any devise or bequest pertaining to the objects of said corporation; and devises and bequests of real or personal property may be made directly to said corporation, or in trust, for any of the purposes comprehended in the general objects of said society; and such trusts may continue for such time as may be necessary to accomplish the purposes for which they may be created. Capabilities.

§ 7. The said corporation shall also possess the general powers specified in and by the third title of the third article of chapter eighteen of the first part of the Revised Statutes of the state of New York. General powers.

§ 8. The legislature may at any time alter or repeal this act.

§ 9. This act shall take effect immediately.

Chap. 227.

AN ACT to release the interest of the State to a portion of the abandoned Erie canal, in the city of Rochester, to Daphna A. Hanvey.

Passed April 11, 1859; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state re-
leased.

Boundaries.

SECTION 1. All the right, title, interest and estate of the people of this state, in and to all the real estate herein described, to wit: "All that piece or parcel of land situate in the city of Rochester, Monroe county, and state of New York, bounded and described as follows: Beginning at a point in the so called "Magne Tract," where the extension of the south line of Butler alley intersects the east wall of the Erie canal, running thence northerly two hundred and eighty-two feet, on the east wall of said canal; thence easterly forty-four feet; thence southerly two hundred and eighty-two feet to the south line of Butler alley; thence thirty-three feet to the place of beginning," shall be, and the same is hereby vested and confirmed in Daphna A. Hanvey.

§ 2. This act shall take effect immediately.

Chap. 228.

AN ACT to amend an act entitled "An act to incorporate the South Brooklyn Savings Institution," passed April tenth, one thousand eight hundred and fifty.

Passed April 11, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amend-
ed.

SECTION 1. The sixth section of the act entitled "An act to incorporate the South Brooklyn Savings Institution," passed April tenth, eighteen hundred and fifty, is hereby amended by striking out the words not exceeding five thousand dollars, last mentioned in said section, and

inserting in place thereof, the words not exceeding twenty thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 229.

AN ACT for the preservation of fish in the counties of Fulton, Hamilton and Saratoga.

Passed April 11, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be unlawful for any person or persons to take, catch or procure in or from any of the lakes within the counties of Fulton, Hamilton, or Saratoga, or in or from the Sacandaga river, or any of its tributary streams within said counties, any fish, with or by means of any seine or other net, or any bass, pike or pickerel by or with the like means, in any of the tributaries of the Hudson river, in the county of Saratoga.

Taking of fish declared unlawful.

§ 2. No person shall knowingly sell, or offer for sale, any fish caught or taken in or from any of said lakes or streams contrary to the provisions of the first section of this act.

Not to be offered for sale.

§ 3. Whoever shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit for each offense the sum of twenty-five dollars, and may be imprisoned for the non-payment of such fine or forfeiture until the same shall be paid, or until discharged by the court.

Violation declared a misdemeanor.

§ 4. Any person may bring and prosecute an action for the recovery of the fines or forfeitures imposed by this act, before any justice of the peace or magistrate of the county wherein such offense was committed, upon first giving to such magistrate security for the payment of the costs in case he shall fail to recover ; and in case of a recovery, the said fine or forfeiture shall be paid to the court or magistrate before whom such action shall be prosecuted, together with the costs of such suit. The court or magistrate before whom such action was brought shall certify the reasonable costs and expenses thereof,

Any person may prosecute.

Duty of court or magistrate.

and pay the same out of the fines so received, and pay the residue of such fines, if any, to the overseer of the poor of his town for the support of the poor of said town.

Chap. 230.

AN ACT to establish and preserve a law library in the sixth judicial district, to be called "The Supreme Court Library."

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Library
established.

SECTION 1. There shall be a law library, which shall be called "The Supreme Court Library," and it shall be located at Binghamton, in the county of Broome.

State
treasurer to
purchase
and for-
ward books.

§ 2. The state treasurer shall purchase law books for said supreme court library, not exceeding five thousand dollars in value; which books shall be designated by a writing, to be signed by at least three of the justices of the supreme court, residing in the sixth judicial district; and said treasurer shall forward the books so purchased by him, to the clerk of Broome county, at Binghamton, at the expense of the state.

\$5,000 ap-
propriated.

§ 3. The sum of five thousand dollars is hereby appropriated for the purchase of said law books, by the treasurer.

Books to be
forwarded
within one
month after
receiving
writing de-
signating
same.

§ 4. The treasurer shall purchase and forward said books, as aforesaid, within one month after he shall receive the writing, designating the books to be purchased by him, signed as mentioned in section three of this act; and he shall purchase said books at the lowest price for which they shall be offered to him, due regard being had to their quality.

Clerk of
Broome Co.
to take care
of same.

§ 5. The clerk of Broome county shall take care of said supreme court library, and shall keep the same in the court-house at Binghamton; subject, however, to such orders, rules and regulations as may be made touching the same, by a majority of the justices of the supreme court, residing in the said sixth district.

Clerk to be

§ 6. The clerk shall be paid by the county of Broome

all necessary expenses he may incur in taking proper and suitable care of said library, and also such compensation for his services as shall be fixed by the board of supervisors of said county.

paid for
services.

§ 7. The judges of the court of appeals, the justices of the supreme court, county judges, surrogates, district attorneys, sheriffs, attorneys at law, justices of the peace, all public officers, and all other persons shall, at all reasonable hours, have access to said library, and may read and examine the books therein, so long as they shall conduct themselves in an orderly, proper and respectful manner; and when they fail to do that, said clerk may eject or exclude them from the room or rooms in which said library shall be kept.

Access to
library.

§ 8. Whoever shall intentionally injure or destroy, or convert to his own use, any book belonging to said library, shall be guilty of a misdemeanor and may be indicted and punished therefor.

Injury or
destruction
of books a
misdemean-
or.

§ 9. The board of supervisors of Broome county shall provide a suitable room or rooms, and suitable cases in the court-house at Binghamton, for said supreme court library; and said court may have said library insured for the benefit of said library.

Room to be
provided.

§ 10. Whoever shall take any book belonging to said library, out of the court-house, without permission from the clerk of Broome county, or from one of the justices of the supreme court, shall be liable to be sued therefor, by and in the name of said clerk; and in such suit the clerk shall recover treble the value of the book or books so taken, with costs, for the benefit of said library.

Books not
to be taken
from court-
house with-
out permis-
sion.

§ 11. The said clerk shall make a catalogue of the books in said library, in the month of October of each year, and deliver the same to the board of supervisors of Broome county, at the first meeting of such board thereafter; in which catalogue shall be stated, the books purchased or lost, or stolen, or taken away, or out of the library, or injured since the making of the last previous catalogue.

Clerk to
make cata-
logue.

§ 12. This act shall take effect immediately.

Chap. 231.

AN ACT to enable the electors of the town of Kingston to vote by districts for town officers.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Kingston shall be divided, as hereinafter provided, into two election districts, for the election of all town officers required by law to be elected by ballot.

District
No. 1.

§ 2. District number one shall comprise the present election districts numbers three, four and six in said town, and shall hold its elections in the village of Rondout.

District
No. 2.

§ 3. District number two shall comprise the present election districts numbers one, two and five of said town, and shall hold its elections in the village of Kingston.

Supervisor,
&c., duties
of.

§ 4. The supervisor, assessors and town clerk, of the town of Kingston, shall meet at the town clerk's office in said town, on the first Monday in February in each year thereafter, at ten o'clock in the forenoon, and form themselves into a board; and in case a majority of said officers for any cause do not attend on that day, it shall be the duty of those who do attend to adjourn to some future day not exceeding five days, and shall immediately thereupon give notice, in writing, to those officers who do not attend, of the time of such adjournment. And it shall be the duty of said officers to attend on said adjourned day, and to proceed in the same manner as though a majority had attended on the day appointed by law. They shall designate the house in each of the villages of Rondout and Kingston, at which elections shall be held during the year; and they shall thereupon give notice, written or printed, of the annual town elections in said district, together with a list of all such town officers as are to be elected at such elections, to be posted in at least four public places in each district, at least six days before the holding of such annual town elections, which election shall be the same day on which the annual town meeting is or shall be hereinafter held.

§ 5. The said town officers shall also, at the meeting on the second Monday in February, eighteen hundred and sixty, and on the first Monday in February in each succeeding year thereafter, assign and designate one or more of their number, together with one or more of the justices of the peace of said town, to hold the elections in each district, as shall be necessary to constitute three inspectors of elections for each district, and such inspectors shall be allowed to vote in the district where they shall be respectively assigned; a certificate specifying the officers thus assigned and designated for each district, shall at the same time be signed by the board and filed in the office of the town clerk, who shall immediately cause written notice thereof to be given to the officers designated as inspectors of election in said district.

Persons to be designated by town officers to hold elections.

§ 6. The officers thus assigned and designated shall be inspectors of annual and special town elections held in the several districts in said town for which they have been appointed, for the election of all town officers required by law to be elected by ballot.

Inspectors of election.

§ 7. In case of a vacancy in the board of inspectors in any election district in said town, or of the absence or inability of any town officer appointed as aforesaid, to act as inspector at any election, the inspectors who may be present are hereby authorized and empowered to fill all such vacancies by appointment from among the electors of such district, for the time being, who shall take the oath of office as hereinafter provided.

In case of absence of inspectors, &c.

§ 8. The inspectors assigned and designated, or appointed as herein provided, shall receive the same compensation provided by law for inspectors of election in towns and wards.

Compensation.

§ 9. If a special election shall be called to fill a vacancy in any town office, the town clerk shall give the like notice as provided in section four, together with a list of such town officers as are to be elected at such election; and the justices of the peace in said town shall meet at the town-house on the succeeding day, and proceed to complete the canvass and declare the result as hereinafter provided for annual town elections.

Special elections.

§ 10. The inspectors of each election district shall meet at the time and place where an election shall have been appointed to be held therein, and shall proceed to organ-

Board of inspectors.

ize themselves as a board for the purpose of presiding at and conducting said election.

Chairman. § 11. The inspectors shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath of office as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors.

Clerk to be appointed. § 12. The inspectors, or a majority of them, having taken such oath, the board shall then appoint a clerk, to be called the clerk of the poll, who shall take the constitutional oath of office, which shall be administered to him by the chairman of the board, and shall keep a poll list and make such other minutes as may be required.

Polls, how opened. § 13. Before the electors shall proceed to vote for any town officer, proclamation shall be made of the opening of the poll, and when the poll will close.

Inspectors to preserve order. § 14. The inspectors so presiding shall have the same authority to preserve order, enforce obedience, and commit for disorderly conduct, as is possessed by the board of inspectors at a general election. and shall proceed in the same manner and be governed by the same rules as is provided for the election of town officers in title three, article one of the Revised Statutes.

Canvass, &c § 15. As soon as the poll of an election shall have been finally closed, the inspectors, in their several districts, shall proceed to canvass the votes; such canvass shall be public, and shall not be adjourned or postponed until it shall have been finally completed.

Statement of canvass. § 16. When the canvass shall have been completed and the result ascertained, a statement of all the votes for each candidate shall be made, in writing, certified and signed by the presiding officer and clerk of such district, with one ballot of each kind found to have been given for the officers to be chosen at such election, securely attached to such statement.

§ 17. The inspectors in each district shall designate one of their number, who shall deliver such statement so made and certified to the board of the annual town meeting, which shall be held on the succeeding day, on or before ten o'clock in the forenoon of said day.

Canvass to be completed. § 18. The board of such annual town meeting shall then proceed to complete the canvass by adding all the statements from the several districts together, and declare

the result the same as though such votes had been polled at such annual town meeting, and the persons having the greatest number of votes shall be declared elected to the offices for which they have been designated respectively.

§ 19. All such business as is now usually done at the annual town meetings other than the election of town officers as herein provided, shall hereafter be done at the poll in the village of Kingston, in the presence and under the direction of the board of such annual town meeting (who shall convene for that purpose), on the morning previous to the opening of the polls on that day.

§ 20. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 21. This act shall take effect immediately.

Chap. 232.

AN ACT to authorize the town and village of Canandaigua, in the county of Ontario, to purchase the old court-house in said county, to pay for the same, and to fix upon the conditions of holding and using the same.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Canandaigua and the trustees of the village of Canandaigua are hereby authorized to purchase, for the use of said town and village, the old court-house in said county, of the board of supervisors of said county; and the supervisor of said town and said trustees are authorized to agree upon, fix and determine the amount to be paid by said town and village, respectively, for said old court-house, which sums shall be raised by tax upon the taxable property of said town and village, in the same manner as other town and village taxes; said supervisor and said trustees may borrow, upon the credit of said town and of said village, the amount of money respectively agreed to be paid by said town and village for said old court-house, to enable the said town and village to pay for the same before the moneys

to pay therefor can be raised by tax; and said supervisor and trustees may agree and fix upon the terms and conditions of holding and using said old court-house by the said town and village.

§ 2. This act shall take effect immediately.

Chap. 233.

AN ACT authorizing certain state officers to adjudicate and settle the claim of this state against Livingston county, on account of the defalcation of the late county treasurer of said county.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The lieutenant-governor, attorney-general and comptroller shall be and they are hereby constituted and appointed commissioners to adjust, settle or compromise the claim of this state against the county of Livingston, arising out of defalcation of the late treasurer of said county, upon such terms and conditions as the said commissioners shall deem just, and the settlement so made by such commissioners shall be final and conclusive between the state and said county of Livingston.

Chap. 234.

AN ACT to legalize the proceedings of the town meeting held in the town of Sennett, in the county of Cayuga, on the first day of March, one thousand eight hundred and fifty-nine.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The proceedings of the town meeting held in the town of Sennett, county of Cayuga, on the first day of March, one thousand eight hundred and fifty-nine,

are hereby declared valid; and all the acts of the officers elected at the aforesaid town meeting, shall be held to be of the same force and effect as if the election had been held at the place appointed by law.

§ 2. This act shall take effect immediately.

Chap. 235.

AN ACT to incorporate the Woman's Library of the city of New York.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The mayor of the city of New York for the time being, Benjamin H. Field, Henry Hilton, Wil-
son G. Hunt, Erastus Brooks, Jas. T. Brady, A. V. Stout,
Henry J. Raymond, Luther Bradish, Frederick DePeyster,
Norman White and Jas. W. Beekman, and their suc-
cessors, are hereby created and declared to be a body
corporate by the name and style of the "Trustees of the
Woman's Library of the city of New York," by which
name they may sue and be sued, plead and be impleaded,
contract and be contracted with, and be known in all
courts and places whatever, and may also have a com-
mon seal, and change and alter the same at pleasure.

§ 2. The direction and management of the affairs of
the said corporation, and the control and disposal of its
property and funds shall be vested in the said trustees
and their successors.

§ 3. The number of such trustees shall be twelve, and
they are hereby empowered to receive all money, books,
land, or other valuable things of whatsoever kind and
nature, that may have been or that may hereafter be
donated, sold, bequeathed or otherwise bestowed, by any
person or persons, or by any corporation or corporations,
for the establishment, maintenance or use of said Wo-
man's Library, and to hold the same for the purpose of
the said library, and on condition to be applied and used
therefor, provided no person having a wife or child or
parent shall devise or bequeath to such institution or cor-

poration more than one-fourth of his or her estate, after the payment of his or her debts, and such devise or bequest shall be valid to the extent of such one-fourth.

Power of trustees.

§ 4. The said trustees are also hereby empowered to direct the expenditure of the funds and property of said corporation, in the purchase or lease of a suitable site and in the erection, purchase or lease of a suitable building for the said library; in the purchase of books, maps, engravings, charts, drawings, furniture and other things appertaining thereto; in the establishment of classes, and the employment of teachers for the instruction of those persons who may become entitled to the privileges of the library, and in such other ways as they may consider necessary and proper for the maintenance of the library and the promotion of the objects which it is intended to secure.

Ibid.

§ 5. The said trustees are also hereby empowered to make such ordinances and regulations from time to time as they may think proper for the advantage and maintenance of the library, and for the good order and convenience of those who may resort to or use the same; to make such by-laws as may be necessary and convenient in conducting the business of the corporation; to appoint, direct, control, and at their pleasure remove a superintendent of the library and all librarians, and other persons necessary to be employed about the same, and in general, to have and use all powers and authority necessary for promoting the objects for which the library is established.

One trustee to be president.

§ 6. The said trustees shall elect one of their number to preside over their board, who shall hold such office during their pleasure; and they may also appoint, and at any time remove, a secretary and any other officer which their business may require. The acts of a majority of the trustees at any meeting, duly notified according to the by-laws, shall be valid. Any vacancies in the number of said trustees, occurring by death, resignation, incapacity or removal from the state, shall be filled by persons to be appointed by the remaining trustees or a majority of them, except that the mayor of New York, during his continuance in office, shall always be a trustee. The trustees shall not receive any compensation for their services.

§ 7. The property, real and personal, of the said cor-

poration shall be exempt from taxation, in the same manner as that of the other public libraries of this state.

§ 8. This act shall take effect immediately.

Chap. 236.

AN ACT in relation to the bank department.

Passed April 11, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Sections eight and nine of chapter three hundred and nineteen, being an act to amend the act entitled "An act to authorize the business of banking," passed May twenty-sixth, eighteen hundred and forty-one, and chapter sixty-eight, being an act to amend the act entitled "An act to authorize the business of banking," passed May twenty-sixth, eighteen hundred and forty-one, which act was passed on the twenty-ninth of March, eighteen hundred and fifty-one, and chapter three hundred and seventy, entitled "An act to provide for the final closing of incorporated banks, continuing the business of banking until the expiration of their charters," passed April thirteenth, eighteen hundred and fifty-seven, are hereby amended so as to read as follows :

1. Whenever any banking association, individual banker, receiver of a banking association, assignee or assignees of an individual banker, shall have given notice to the superintendent of their intention to close the business of banking, or the trustees or legal representatives of any incorporated bank whose charter has expired, or the receiver of any incorporated bank, which shall have been declared insolvent, shall have redeemed at least ninety per cent of their circulating notes, outstanding at the date of such notice, expiration of charter or declaration of insolvency, they shall be entitled to deposit with the superintendent, and he is hereby authorized to receive, a deposit of money equal to the amount of the outstanding circulation at the time of such deposit, to be placed by him in some bank in the city of Albany, in good credit, upon the receipt of which it shall be lawful for the super-

Certain
sections
amended.

Notice of
intention
to close
bank, &c.

intendent to give up all other securities theretofore deposited with him for the redemption of circulating notes issued thereon.

Upon receipt of deposit, &c.

2. Upon the receipt of such deposit the superintendent shall immediately give notice in the state paper, and at least one newspaper in the county where such bank, banking association or banker shall have been located or doing business, which notice shall be published at least once a week for six months successively, that the notes of such bank, banking association or banker will be redeemed by him, at the bank where such deposit is made, at par; and that all the outstanding circulating notes of such bank, banking association or banker must be so presented for redemption within six years from the date of such notice, and all notes which shall not be thus presented for redemption and payment within the time specified in such notice, shall cease to be a charge upon the funds in the hands of the superintendent for that purpose.

Superintendent to surrender, &c.

3. At the expiration of such notice, it shall be lawful for the superintendent to surrender, and such bank, banking association, banker, receiver, assignees or trustees, or their legal representatives, shall be entitled to receive from him all the money remaining in his hands after such redemption, except so much thereof as may be necessary to pay the reasonable expenses chargeable against the said accounts, including the payment for the publication of the above mentioned notices.

Circulating notes.

4. All circulating notes of such bank, banking association or banker, which shall not have been presented for payment within the period required by such notice, shall, upon the expiration of such period, cease to be a lien or charge upon the property and effects of such bank, banking association or banker, in the hands of such receivers, assignees, trustees or otherwise; and all liability of such receivers, assignees, trustees, banks, banking associations or bankers, for or on account of any circulating notes, which shall not have been presented within the time aforesaid, shall also cease.

5. Said trustees, receiver, assignees, bank, banking association or banker, may, after the full payment of all the circulating notes issued by them respectively, which shall have been presented within the time required by

such notice, and of all other lawful claims and demands against such bank, banking association or banker, divide the remaining property and effects of said bank, banking association or banker among the stockholders thereof, their or his personal representatives or assigns, according to their respective shares and interest therein.

§ 2. The superintendent of the banking department is hereby directed to pay into the treasury of the state all balances of money remaining in his hands unclaimed for six years from the date of such deposit, to be applied to the current expenses of the bank department.

Balance to
be paid into
treasury.

§ 3. Any legal notice that shall be served upon the superintendent of the banking department, in relation to any mortgage of which he is the assignee, shall specify the name of the mortgagor and the description of the premises, as shown by the mortgage covering them, and the name of the party by whom it was assigned to him; and unless such notice shall contain the provisions hereinbefore mentioned, a non-compliance with the terms of such notice on the part of the superintendent shall not invalidate or lessen the security conveyed by such mortgage, or in any manner affect his lien upon the mortgaged premises conveyed under it.

Legal
notice, how
served.

§ 4. It shall be the duty of every public officer into whose hands shall come any counterfeit bank note plate, or other device for counterfeiting bank notes, or any counterfeit or spurious bank notes, immediately after using them when necessary in evidence against the parties implicated, to surrender the same to the superintendent of the banking department to be destroyed under his supervision, and it shall be the duty of the superintendent to destroy all such plates, devices or notes thus surrendered to him, in the same manner as he is now authorized to do in the case of banks whose charters have expired or have become insolvent, and to report the same to the legislature in his annual report.

Duty of
every pub-
lic officer.

Chap. 237.

AN ACT to authorize the commissioners of highways to build a bridge over the south branch of the Black river, in the village of Watertown.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of highways of the town of Watertown, in the county of Jefferson, are hereby authorized to erect a bridge across the south branch of the Black river, between the flouring mill of Garret Ives, and the axe factory of Samuel Hadcock, in the village of Watertown, not exceeding thirty-four feet in width; and they are hereby vested with the same power and authority to build such bridge, and raise money to defray the expense thereof, as they would possess, if the road was of the width prescribed by law.

§ 2. The said commissioners are hereby authorized to borrow, on the credit of said town, a sufficient sum of money to defray the expense of building such bridge, not exceeding four thousand five hundred dollars; provided, they shall be authorized to do so by the resolution passed or to be passed by the inhabitants of said town, at any annual town meeting held in said town.

Chap. 238.

AN ACT to release the interest of the people of this state to certain real estate in the city of New York, of which Richard E. Alcock died seised.

Passed April 11, 1859, by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the people of the state of New York, in and to five certain lots, pieces or parcels of land situate in the twelfth ward of the city of New York, of which Richard E.

Alcock, late of said city, died seised, is hereby released to George S. Jackson, his heirs and assigns forever, said lots having been, on the twenty-ninth day of October, eighteen hundred and fifty-six, purchased by said George S. Jackson, under an order of the surrogate of the county of New York.

§ 2. Nothing in this act contained shall affect the right of any purchaser or mortgagee of the said Richard E. Alcock, deceased.

§ 3. This act shall take effect immediately.

Chap. 239.

AN ACT in relation to Grosvenor Library of the city of Buffalo.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whereas, Seth Grosvenor, late of the city of New York, now deceased, by his last will and testament, bequeathed to the city of Buffalo the sum of forty thousand dollars, "ten thousand dollars thereof to be appropriated to the purchase of a lot and building thereon (unless the city should give a lot for the purpose, in which case the whole ten thousand dollars to be expended in the building), which is intended for a public library, and the remaining sum of thirty thousand dollars to be kept invested forever, and its increase to be used in the purchase of books," therefore the city of Buffalo is hereby authorized and empowered to take and hold said bequest, and the common council of said city are hereby empowered to accept the same on behalf of said city, and to make the necessary provisions for carrying out the objects of said bequest in accordance with the terms thereof.

Seth Grosvenor late of New York, &c.

§ 2. The said library shall be known as the Grosvenor Library, and the affairs of said library shall be managed, and the purchase of the books shall be made under the direction of the city of Buffalo, by three trustees to be appointed by the common council of said city, upon the

Grosvenor library.

nomination of the mayor thereof. They shall hold their office for the term of five years and until their successors are appointed, and shall not receive any compensation whatever, and shall not permit any of the books to be used out of the library building of said library.

Common council to provide fuel, &c.

§ 3. The common council may provide for said library the necessary fuel and lights, librarian and assistants, and may keep the library building in repair, and the said building and library insured, and for these purposes may raise, as a part of the general annual tax, a sum not exceeding three thousand dollars in any one year.

Common council to dedicate certain property.

§ 4. The common council of said city are hereby authorized to dedicate to the use of said library, for the purpose of erecting a building thereon, the whole or any portion of the premises known as the "Mohawk street market property," situated on the northeast corner of Pearl and Mohawk streets in said city, or any other parcel of land now owned by said city, or which may be procured by said common council for that purpose, and may erect or cause to be erected thereon a building for the use of said library.

May enter into contract, &c.

§ 5. The common council of said city may, on behalf of said city, enter into a contract with the Young Men's Association of the city of Buffalo, to defray all or any of the expenses contemplated by section three of this act, and for the erection of a building for the use of said library. The said common council may also convey, upon such terms and conditions as they may deem proper, to the said Young Men's Association, any portion of the said premises known as the "Mohawk street market property," or any other piece or parcel of land which may be procured in exchange therefor, for the purpose of the erection and maintenance thereon, by the said Young Men's Association, of a building for the library and reading room and other uses of said association. And the said Young Men's Association is hereby authorized to accept said conveyance, and hold said real estate, and erect said buildings, and enter into and carry out the contract herein provided.

§ 6. This act shall take effect immediately.

Chap. 240.

AN ACT to provide for the payment of the arrears of salary due the superintendent of schools in the village of Ogdensburgh.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporation of the village of Ogdensburgh is hereby authorized and empowered to raise a special tax upon the taxable property in said village, for the purpose of paying so much of the salary of the superintendent of the village schools, as accrued up to March thirtieth, eighteen hundred and fifty-eight. Such tax shall be voted and levied in the same manner as other special taxes are voted and levied in said village.

Corporation may raise special tax.

§ 2. This act shall take effect immediately.

Chap. 241.

AN ACT to provide for the compensation of a clerk for the treasurer of the county of Kings.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Kings are hereby authorized to allow the treasurer of said county the sum of five hundred dollars per annum for clerk hire.

\$500 allowed for clerk hire.

§ 2. This act shall take effect immediately.

Chap. 242.

AN ACT to confirm and legalize certain acts of the board of supervisors of Fulton county.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Distinction
between
town and
county poor
abolished.

SECTION 1. The resolution passed by the board of supervisors of the county of Fulton, on the sixth day of December, eighteen hundred and fifty-four, in the following words: "*Resolved*, That the distinction between town and county poor be and the same is hereby abolished; to take effect on or before the first day of November next, provided the county poor house is completed and ready for the reception of all the poor in the several towns," is hereby declared to be valid and of full force and effect; but nothing in this act shall affect any suit now pending.

Chap. 243.

AN ACT to amend the charter and several acts relating to the village of Waterford, and to incorporate the same into one act.

Passed April 11, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE VILLAGE OF WATERFORD.

Village a
body politic
and corporate.

SECTION 1. That part of the town of Waterford, in the county of Saratoga, included within the bounds described in the next section, shall hereafter be called the village of Waterford, and the inhabitants from time to time therein shall form a body politic and corporate, by the name of the village of Waterford.

Boundaries.

SECTION 2. The boundaries of said village shall be as follows: Beginning at a point in the middle of the Hud-

son river, opposite to the middle of the most northerly branch of the Mohawk river, running thence northerly, through the middle of said Hudson river, to a point directly east from the center of the mouth of a creek, leading from the mill of George W. Eddy, George H. Stewart, and Henry G. Ludlow, on the Champlain canal to Hudson river, thence to the center of said creek at its mouth, and up and along such center to said mill, and thence to the center of the Champlain canal, so as to include said mill, thence southerly along the center of said canal to the side cut, thence southeasterly along the center of said side cut to the most northerly branch of the Mohawk river, thence south to the center of said branch of the Mohawk river, thence easterly along the center of said branch of the Mohawk river to the place of beginning.

SECTION 3. The said village shall be divided into six wards, as follows: All that part lying south of Broad street, and east of Second street, shall be the first ward; all that part lying north of Broad street and east of Second street, shall be the second ward; all that part lying south of Broad street and between Second and Third streets, shall be the third ward; all that part lying north of Broad street, and between Second and Third streets, shall be the fourth ward; all that part lying south of Broad street, and west of Third street, shall be the fifth ward, and all that part lying north of Broad street and west of Third street, shall be the sixth ward.

To be divided into six wards.

TITLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

SECTION 4. The officers of said corporation shall be as follows:

Officers of corporation

1. A president.
2. One trustee for each ward.
3. Three assessors.
4. A collector.
5. A treasurer.
6. A clerk.
7. A street commissioner.
8. A chief engineer of the fire department.

SECTION 5. The treasurer, clerk, street commissioner and chief engineer shall be elected by the board of vil-

Officers elected by board of trustees.

Officers to be elected at election herein-after provided.

Assessors.

lage trustees, and hold office during their pleasure; all the other officers shall be elected at elections to be held as hereinafter provided, and except the assessors, shall hold their offices for one year, and until others are elected and qualified. The assessors shall hold for three years, one to be elected each year. At the first election after this act takes effect, three assessors shall be elected, and within eight days thereafter, they shall meet at a time and place to be designated by the president, and determine by ballots, numbered one, two, three, to be drawn in presence of the president and clerk, their respective terms of service. The terms of the first assessor shall be for one, two or three years, according to the ballots they shall respectively draw. If either fail to attend, the president shall draw for him; the result shall be entered in the village record.

Annual meeting.

SECTION 6. An annual meeting for the election of officers, and the transaction of other business, shall be held in said village on the last Tuesday of April; in each year. The first shall be held on the second Tuesday of May next, at such place as the present trustees shall appoint; and all subsequent meetings at such place as the trustees shall appoint. If no place should be appointed by the trustees, the meeting shall be held at the same place in which the last preceding annual meeting was held. Written or printed notice shall be given by the clerk, of the time and place of holding such meetings, of at least two weeks, by affixing the same in three or more public places in said village.

Who may vote.

SECTION 7. Every resident of said village, qualified to vote for member of assembly, may vote at such meeting; but no person shall vote upon a proposition to raise money by taxation, unless he shall have resided in said village for six months next preceding the time he offers to vote; and shall be a bona fide taxpayer in said village, and shall have been assessed on the last assessment roll of the village or town, for property in the village.

Reports to be presented and read.

Election to be by ballot.

SECTION 8. At the annual meeting, before the polls are opened for the election of officers, the reports hereinafter required to be made to the meeting, shall be presented and read. The election of officers shall be by ballot, with all the names voted for on one ballot, designating the office for each, and the ward for which the

trustee is to be chosen. The present trustees of the village, or a majority of them, shall be the inspectors of the first election, and thereafter the president and assessors shall be the inspectors of elections. The clerk of said village shall keep a poll list at such meetings; the polls for the election of officers shall be kept open at least two hours. The qualification of voters shall be determined by the inspectors, either of whom are hereby authorized to administer oaths in respect thereof; the inspectors, or a majority of them, shall publicly canvass the votes before adjourning, and shall certify the same upon the journal of the village, together with any resolutions adopted by the meeting; the persons having the largest number of votes for each office, respectively, shall be declared elected.

Clerk of village to keep poll list.

Qualifications of voters.

SECTION 9. The trustees must, at the time of their election or appointment, be residents of the wards for which they are respectively chosen, but a subsequent removal into another ward of the village shall not vacate their office.

Trustees to be residents when chosen.

SECTION 10. The several officers elected shall each, before entering upon the duties of his office, take and file with the clerk the oath of office prescribed by the constitution. The president and trustees shall receive no compensation for their services. The assessors shall receive such compensation as the trustees may prescribe, not exceeding the amount paid to town assessors for similar services. The compensation of the treasurer, clerk, street commissioner and chief engineer shall be determined by the trustees.

Officers to take and file oath of office.

Compensation.

SECTION 11. A vacancy in any office may be filled by the trustees, by the appointment of a person to the office until the next annual meeting. In case of a tie in the votes for an elective officer, the inspectors shall appoint one of those for whom an equal number of votes were given, to the office.

Vacancies in office, how filled.

TITLE III.

FINANCIAL REGULATIONS AND RESTRICTIONS.

SECTION 12. The annual meeting or special meeting held pursuant to this act, shall determine what sum shall be raised by general tax, upon the taxable property in the village, for the ordinary expenses of the village; the

Tax to be determined at annual meeting.

amount of the general tax shall not exceed five hundred dollars in any one year, and the failure of the annual meeting to fix upon the sum to be raised shall be deemed the adoption of the sum which was so raised the last preceding year.

Expenses of village.

SECTION 13. Only the following items shall be included in the ordinary expenses of the village:

Compensation of officers.

1. The compensation to those officers of the village to whom compensation is expressly allowed by law.

Publishing charter and by-laws.

2. For publishing the charter and by-laws of the village, the proceedings of the trustees and of notices.

Books, &c., for use of village officers.

3. For procuring the necessary blank books, blank forms, paper, desk and book case, for the use of the clerk and other village officers, for fuel and lights for the meetings of the trustees and of the electors.

Prosecuting and defending actions.

4. For prosecuting and defending actions in which the village is a party, or bound to indemnify a party, and for other services requiring legal skill.

Sidewalks, &c.

5. For the necessary advances in making or repairing sidewalks and crosswalks, or abating nuisances, after such proceedings have been had as to make such expense a lien upon real property, upon failure of the owner to comply with the direction of the trustees in respect thereto.

Fire engines, public reservoirs, &c.

6. For maintaining and keeping in repair and serviceable condition the fire engines, fire hooks and ladders, and other apparatus for extinguishing fires, an engine-house for each engine and its apparatus, the public reservoirs which are or may be constructed, the water pipes and fixtures connected therewith, and for maintaining supplies of water therein, and for keeping in repair any property belonging to the village.

Public grounds.

7. For making and maintaining sidewalks in front of any public grounds in said village, set apart or which may be set apart and dedicated to public use, and for planting and securing trees in and about such grounds, and for paying any taxes or assessments lawfully assessed thereon, or upon any property of the village.

Necessary expenses.

8. For the necessary expenses of doing any act expressly authorized by law, and to pay any lawful judgment or claim against the village.

Lighting streets.

9. To light such of the streets of the village as they may deem proper.

Surplus of

10. Any surplus of the general fund may be appropri-

ated by the trustees to any of the special purposes enumerated in section fourteen. general fund.

SECTION 14. Such meeting may direct the trustees to cause to be raised by general tax upon the taxable property in the village, a specified sum of money for special purposes, in addition to the ordinary expenses of the village, for one or more of the following objects: May direct general tax for special purposes.

1. To purchase fire engines, fire hooks, ladders, hose, and other apparatus for extinguishing fires. Apparatus for extinguishing fires.

2. For the construction of public reservoirs for water, and the necessary apparatus for conducting water to and from them, and the necessary fixtures therefor for the extinguishment of fires. Public reservoirs.

3. For purchasing real estate for a cemetery. Cemetery.

4. For procuring the necessary fixtures and lighting the streets when the general fund shall be insufficient. Lighting streets.

SECTION 15. Before any tax for a special purpose can be voted for at any such meeting, a notice shall be published by order of the trustees, and signed by the president or clerk for at least two weeks before such meeting, in all the newspapers published weekly in said village, or in case no newspaper shall be published in said village, by posting up such notice in at least five public places in said village, stating that the meeting will be called upon to vote for a special tax, specifying the object or objects, stating the sum proposed to be raised for each object; if more than one object be proposed, they shall be numbered; the vote thereon shall be taken by ballot, which shall have on the inside the words "for the tax," or "against the tax," and deposited in a separate box to be labeled "village tax;" and when more than one object is proposed, the votes shall have the words "for tax number one," or "against tax number one," and so as to each object designated. Notice of special tax to be published by clerk.

SECTION 16. The money raised for any specified purpose shall be applied to such purpose only; but its object may be changed to any other object at a subsequent meeting, submitted by the trustees, and adopted, after due notice, in the same manner as herein provided for directing such tax, when such change can be made without violating a contract. Ballots.

SECTION 17. When the entire estimated expenses for all special objects for which a tax shall be directed to be Money raised for specified purpose, how applied.

Proceedings when

tax does not exceed \$500.

raised in any one year, shall not exceed five hundred dollars, the whole amount thereof shall be assessed, and the warrant for the collection thereof issued, within the year in which such tax was directed to be raised; if the whole amount required exceed that sum, that the meeting may direct what portion shall be assessed the first year, and the residue, with necessary interest, and a warrant issued therefor during the second year thereafter.

Resolution to raise money may be adopted.

SECTION 18. A resolution to raise money for a special purpose, or to increase the fund to defray the ordinary expenses of the village for the current year, may be adopted at a special meeting called by the trustees, on a notice subscribed by the president or clerk, specifying the object and amount in the same manner, and published as required in section fifteen, but no such meeting shall be called within three months next preceding the annual meeting.

Not to incur debt or liability.

SECTION 19. No debt or liability shall be incurred by the village, except for its ordinary expenses, within the income of the current year, applicable to that purpose, except that when the raising of money for a special purpose shall be ordered as provided in this act, the amount when necessary may be borrowed, or a liability by a contract for the special purpose may be incurred, not exceeding the amount ordered, until the amount can be raised by tax, as herein provided.

Claims.

SECTION 20. Claims against the village shall only be paid when presented, allowed and certified as follows:

To be in writing and verified by affidavit.

1. The claim must be in writing, showing the nature thereof, and when comprising several items, specifying them; and must be verified by the affidavit of the claimant, or of some other person, to the effect that the services were rendered or disbursements made, or otherwise *provisg the facts constituting the claim, and that no payment has been made thereon, or if any, how much.

To be presented to board of trustees.

2. The claim must be presented to the board of trustees, and allowed, by resolution, entered in the journal, for such sum, if any, as the trustees shall be satisfied is justly and legally due from the village thereon, stating the fund from which it is payable, if other than the general fund.

* So in original.

3. The order for the payment of the amount so allowed, shall be signed by the president, and countersigned by the clerk, who shall keep a record of all orders, with a reference to the resolutions authorizing the same. Order to be signed.

TITLE IV.

POWERS AND DUTIES OF THE PRESIDENT.

SECTION 21. The president shall be the chief executive officer of the village, shall preside at all annual and special meetings of the village, and at the meetings of the trustees; he shall only vote at meetings of the trustees when there is a tie, but may submit propositions for the action of the trustees. He shall see that the provisions of this act, and the by-laws and ordinances of the village are faithfully executed, and shall receive complaints and institute prosecutions for their violation. The president, in behalf of the village, shall execute all leases, contracts, licenses, and other papers to be executed as the act of the village, when so authorized by the trustees. President, his powers and duties.

SECTION 22. The president shall submit to the annual meeting a report of the financial transactions of the village for the year, showing: To submit report of financial transactions.

1. All moneys raised, received, and from what sources, distinguishing also the funds and the purposes to which they belong. Moneys.

2. All payments, specifying each item and out of what fund. Payments.

3. The entire indebtedness of the village, if any, distinguishing the funds indebted, and stating the payment thereon, and when made. Indebtedness of village.

The president shall also submit an estimate of the amount required to be raised by tax for the ensuing year, for ordinary village expenditures, specifying details as far as practicable; it may also contain such other statements as the president may deem useful for the information of the meeting. Estimate of amount to be raised by tax.

SECTION 23. The president may administer any oath required by this act to be taken. May administer oath.

SECTION 24. The president shall have the power, and it shall be his duty, to suppress riots and to order and compel tumultuous assemblies to disperse, and he shall have the same power for these purposes as is given by To preserve order.

law to sheriffs in cases of resistance to the execution of process.

TITLE V.

POWERS AND DUTIES OF THE TRUSTEES.

Trustees,
their pow-
ers and
duties.

SECTION 25. The trustees shall only transact business as a board, setting in public ; at least four must be present, and all their acts shall be entered on the journal of the village. The concurrence of four trustees shall be requisite to pass any resolution or ordinance which necessarily involves the appropriation of any money or property of the village, or for any assessment upon lots, for sidewalks or streets, or laying out, altering or discontinuing a street, or declaring a nuisance and directing its removal or abatement.

Meetings of
trustees.

SECTION 26. Meetings of the trustees shall be held as often as the president and trustees shall deem necessary, at such times and places as the president and a majority of the trustees shall appoint within said village. Special meetings of the trustees may be held upon a call of the president or two trustees, and it shall be the duty of the president or trustees calling a meeting, to cause to be notified all the trustees who are in the village at the time.

Absence of
president.

SECTION 27. Whenever the president shall be absent from the village, or from a meeting, the trustees may appoint one of their number president for the time being, who shall hold the office until the president returns, but shall vote as a trustee, and not have a casting vote.

Powers of
trustees.

SECTION 28. It shall be the duty of the trustees, and they shall have the power :

1. To appoint the usual officers, whose offices are held by appointment under them, and to fill vacancies therein, and to fill any vacancy in any other office by appointment of a suitable person, who, if the office is elective, shall hold only until the next annual election ; and if the vacant term be not then terminated, it shall then be filled for the residue of the term by election.

2. To provide for the care, custody and preservation of the public property, records, and papers of such village.

3. To organize, and keep under good and efficient

organization, such and so many hose, hook and ladder, and such and so many fire companies, of not exceeding fifty men for each fire engine, as they may deem proper for the extinguishment of fires, and for the security and protection of property thereat.

4. To see that the officers of the village perform their duties faithfully and correctly, and to cause measures to be taken to punish neglect of duty by any of them.

5. To call special meetings of the electors, when, in their judgment, the interests of the village shall require it, and to give notice in the manner provided for by law for the annual and special meetings.

6. To examine all accounts and claims against the village, and to allow such as are just and legal.

7. To fix the amount and decide upon the sufficiency of the sureties in the official security of the treasurer, collector and street commissioner, and other officers from whom they may require security, and to require additional security from any such officer when they may deem it necessary, and suspend him until it is given.

8. To issue warrants for the collection of taxes and assessments, and of the expenses of making and repairing sidewalks, abating nuisances, and damages for land taken for streets. Such warrants shall require the moneys therein mentioned to be paid to the treasurer, and shall be made returnable to the clerk in sixty days from the time of issuing the same, and if not wholly collected the trustees may, from time to time, renew the same, returnable in thirty days.

9. To order real property to be leased to satisfy taxes, expenses, or assessments charged thereon, and not paid or collected.

10. To prevent the use of any unsafe fireplaces, stoves, chimneys, stove pipes, smoke-houses, or repository of ashes; and to appoint one or more fire wardens, whose duty it shall be to inspect, in the daytime, every house and lot in the said village, in relation to its security against fire.

11. To direct the manner and superintend the making and repairing of sidewalks and crosswalks in said village.

12. To exercise the duties of commissioners of highways of towns within the limits of said village, which is hereby exempted from the superintendence and control

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of the commissioners of highways of said town of Waterford, so far as those powers and duties are consistent with other parts of this act, and are applicable to the village ; to direct the application of the highway labor assessed on the persons and property in the village, to the grading, paving, flagging, planking, draining, and otherwise improving of the highways in such places within the village as they may deem best ; and also to direct the application of a part thereof to the grading of any public grounds, and the planting and securing trees thereon, and to the construction and repairing of sewers.

13. To suppress and restrain disorderly houses, and houses of ill-fame.

14. To direct the location of all slaughter-houses, houses for storing gunpowder and other combustible and explosive substances, and to regulate the keeping, selling, or conveying thereof.

15. To prohibit the depositing and prevent the keeping of any unwholesome or nauseous substance, and to compel the cleaning of any filthy place or building.

16. To prohibit horse racing and immoderate driving in the streets ; to regulate the speed at which railroad engines and cars may pass through the streets ; to prevent the incumbering of the streets, crosswalks, and sidewalks ; to compel every person to clear the snow and dirt from off the sidewalks in front of the premises, owned or occupied in whole or in part by such persons, and to clear the dirt from the street in front of the same, when such street is paved or planked.

17. To prevent or regulate the ringing or tolling of bells, except those *or railroad cars and engines, blowing of horns or crying of goods or wares, firing of guns, gunpowder, or other explosive compounds, and the making of any improper noise which may tend to disturb the peace and quiet of the village, and the sale or exposure to sale of fire-crackers, rockets, squibs, or other explosive compounds.

18. To regulate and determine the places of bathing in the rivers, canals, or ponds within the village.

19. To regulate the burial of the dead, and protect the public cemeteries.

20. To perform all the duties imposed upon them by this act, or by any other law of this state.

* So in original.

SECTION 29. The trustees shall have power in their discretion :

1. To establish and regulate a public pound, and appoint and define the duties of a pound master ; but such duties shall not be inconsistent with the laws of this state.

2. To restrain cattle, horses, sheep, swine and geese from going at large in the streets, under a penalty of not exceeding five dollars for each animal, and to cause any such animal to be impounded and sold, as may be provided in the by-laws, to satisfy such penalty and the expenses ; and the owner of any such animal shall be liable to the penalty.

3. To cause buildings and other structures encroaching on the streets, to be removed at the expense of the owners or occupants thereof, and to issue their warrant against any such owner or occupant, to collect the necessary expense of such removal.

4. To permit building material to be deposited on the streets in front of any lot, to such extent and for such time as they may prescribe.

5. To determine the existence of a public nuisance in any part of the village, and to compel its removal or abatement ; and if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien on the lot, and to enforce the collection thereof, by leasing or selling the premises, in the manner prescribed in this act, or by action against the owner of the lot, or any other person who may have erected or maintained such nuisance.

6. To prohibit the flying of kites, playing ball, rolling hoops, sliding down hill, in any specified streets or parts of the village.

7. To appoint and dismiss firemen, including members of fire engine, and hook and ladder companies, and to make regulations for their conduct and government.

8. To give names to streets, and numbers to the lots and tenements, and to change the same ; to cause streets to be surveyed, and maps of the village to be made and lithographed, and to sell copies to defray the expenses thereof.

9. To cause prosecution upon any contract or liability,

in which the village is interested, or for fines and penalties imposed by this act, or by any by-law of the village; and to enforce the collection thereof, or to remit the same, or any part thereof.

10. To employ attorneys in the prosecution or defense of any action by or against the village, or for the transaction of any business of the village requiring professional skill.

11. To regulate and limit the places of holding auction sales.

Public wells, &c.

12. To establish and regulate public wells, pumps, aqueducts and reservoirs.

Hay and wood market.

13. To regulate and prescribe the places of weighing hay, straw or fodder, and of marketing wood, coal and lime.

Dogs running at large.

14. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to any ordinance.

Exhibitions &c., may be licensed.

15. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions or performances for money, within the bounds of the village; and, if the said trustees shall deem it advisable to license, or authorize the president to license the same, on such terms as they may deem proper, and also to prohibit the selling of goods, wares and merchandise, not owned by residents of the village, at public auction, and to license the sale of such goods, wares and merchandise, at auction, if the said trustees shall deem it advisable, on payment of not less than three dollars per day.

16. To do any act necessary to carry into effect any resolution, ordinance or other proceeding, which they are authorized to adopt by this act or by any statute.

Special constables.

17. To appoint special constables on extraordinary occasions, for one day only, and to pay them.

To punish disorderly persons.

18. To make such regulations as they may deem proper to prevent riots, disturbances and disorderly assemblages; to restrain and punish vagrants, mendicants, common prostitutes, gamblers and disorderly persons, and for the protection of the public property, and the regulation and protection of the streets and public highways in said village.

May make, amend and

SECTION 30. The trustees of said village may make,

amend and repeal all such by-laws, ordinances and police regulations, not contrary to the laws of this state, as may be necessary or proper to carry into effect the provisions of this act, and of any other laws applicable to said village, and to the powers vested in any officer thereof, and may prescribe penalties, not exceeding fifty dollars for each violation of any such by-law or ordinance. Every such by-law or ordinance imposing any penalty or forfeiture, shall be published two weeks successivly, once in each week, in one or more newspapers printed in said village, and shall not take effect until after such publication. Proof of such publication by the affidavit of the printer of such paper, his foreman or clerk, shall be filed with the clerk of the village, and shall be prima facie evidence of such publication.

repeal by-
laws, &c.

SECTION 31. The trustees shall have power from time to time, to prescribe the duties of the several officers appointed by them, subject to the provisions of this act.

To pre-
scribe du-
ties of
officers.

SECTION 32. No trustee shall be appointed to any office by the board of trustees, nor shall the president or any trustee be interested in any contract made with the corporation, and any contract made in violation of this provision shall be void.

Trustees
not to be
interested
in contract.

SECTION 33. The trustees shall have power to lay out, make and open any street, alley or highway of such width as they shall deem proper, and to cause any street, alley or highway already laid out, to be opened, altered, extended or widened, whenever they shall deem the public good to require; provided such street, alley or highway shall not be so laid out or altered as to run over the site of any dwelling-house erected before the same road, street or highway shall be laid out or altered; and the owners of any lands over which such street, alley or highway shall be laid out or altered, shall be paid a reasonable compensation for such damages as they shall sustain by reason thereof; and the manner of ascertaining or assessing such damages shall be the same as is now provided by law in cases of laying out and opening highways; provided the damages so ascertained shall be paid by the trustees within thirty days after the same shall be so ascertained, and in default thereof the said street, alley or highway, or the alteration thereof, shall be of no avail as against the rights of the owner of said lands.

To regulate
the laying
out and
opening of
streets.

To cause streets or alleys to be paved on application of owners of real estate.

Notice to be given.

SECTION 34. Upon the application in writing from the majority of resident owners of real estate, on or adjoining any street or alley in said village, for that purpose, the trustees shall have power to authorize and require the flagging, paving and curbing of such portions of the sidewalk of any street or alley in said village, embraced in said application, with stone, brick, or any other material they shall think proper, and shall cause notice to be given of the manner in which they shall require the same to be done, by posting a written notice in three of the most public places in the village, and also by serving a like notice on each of such resident owners as are known, and which notice shall also state in what time the said work shall be done, not exceeding sixty days, and in case any part of said sidewalks shall not be completed, as required at the expiration of said time, the trustees are empowered to go on and complete the same, and the expenses of so doing shall be a charge against the owners respectively, of the said real estate on and adjoining which, the said walk shall be so constructed by said trustees, and a lien on the said real estate, and to be enforced and collected as taxes and assessments of said village are collected.

Public cemeteries.

SECTION 35. The trustees shall have the custody of the public cemeteries, which now belong or hereafter may belong to said village, and may grant the right of interment therein in separate lots or otherwise. They may purchase and keep a hearse and other conveniences for burial of the dead, and may appoint one or more officers to superintend and have the care of all such property; they may also impose and require the payment of such sums for the privileges of burial, or for burial lots and for officers' fees as they may see fit; they may improve the grounds, and purchase and keep in repair the same, including fences, walks, a public vault, hearse and other articles, in proper order and condition; such purchases, repairs and improvements shall be made out of the receipts and fees authorized by this section, to be kept as a distinct fund, and other moneys specially appropriated for such purposes, at any annual meeting.

TITLE VI.

SECTION 36. The treasurer, before entering upon his official duties, shall execute a bond to the corporation, in such penalty and with such sureties as the trustees shall approve, conditioned that he will faithfully perform the duties of his office, and account for and pay over, according to law all moneys belonging to the corporation, that shall come into his hands; he shall receive all moneys belonging to the village and shall pay out the same from the proper fund on the order of the president, countersigned by the clerk.

Treasurer
to execute
bond.

SECTION 37. The treasurer shall one week before such annual meeting, present to the president, a statement showing the state of the treasury, as to each fund, and the several sums received and paid out during the year, and when received and paid, and from and to whom. He shall deliver to his successor in office, on receiving six days' notice to that effect, all moneys, books, vouchers and papers appertaining to the office.

To present
statement
to president

SECTION 38. The clerk shall attend and act as clerk at all the village meetings and meetings of the trustees, and record in the proper journals of the village all resolutions, ordinances, directions and determinations adopted at such meetings, including the election of officers. He shall also enter in a book to be called the clerk's minutes, a memorandum of the service of all notices by him, stating the time and manner of service, and of any other acts pertaining to the duties of his office which the trustees may require him to enter. He shall serve all notices and file all papers required by the trustees or by this act: make copies of such assessment rolls and other papers as may be required by the trustees or president, and shall keep in good order the books and papers pertaining to his office. When requested by the president or any trustee, he shall enter in the journal the names of the trustees voting on each side on any question.

Clerk.

SECTION 39. The entries in the journals and clerk's minutes, or sworn copies thereof, shall be presumptive evidence of the facts therein stated.

Journals
and clerk's
minutes.

TITLE VII.

Duty of
assessors.

SECTION 40. It shall be the duty of the assessors, in each and every year before the first day of July, to prepare an assessment roll of property subject to taxation in said village, and to complete the same in all respects, as nearly as practicable, in the manner prescribed by law in respect to town assessors, and to deliver the same to the clerk of the board of trustees; and the village assessors are hereby invested with the same powers in respect to assessments as town assessors have, including the power to administer oaths and to correct valuations, on the application of persons interested; but the notice of the time and place of meeting to hear applications to correct the valuation, must be published in one or more of the newspapers published in the village, at least two weeks prior to the time appointed for such hearing.

Assessment
roll.

SECTION 41. Upon the completion of the assessment roll, and upon receiving from the trustees their direction as to the sums to be raised by general or special tax for the current year, the assessors shall proceed to apportion the amount required to be raised according to the valuation and assessment in the same manner as is required for town and county tax lists.

Assessors to
possess
powers and
perform
duties of
commissioners of
highways
in certain
cases.

Assess-
ments how
made.

SECTION 42. The assessors shall also perform the duty, and they are hereby vested with the powers of commissioners of highways of towns in assessing highway labor upon the persons and property in the village subject to assessment therefor, and shall annually, within twenty days after the annual election, make and complete said assessment. Such assessment upon property shall be made for the first year upon the last assessment roll of the town of Waterford, so far as the same is applicable, and all subsequent assessments shall be made from the last preceding assessment roll of the village, and when complete shall be certified by said assessors, and delivered to the president or trustees of the village, and be by them filed and kept by the clerk.

Copy of
assessment
roll to be
delivered to
street commis-
sioner.

SECTION 43. Upon the return of the assessment roll of highway labor to the trustees, they shall cause a copy thereof to be made and delivered to the street commissioner, with directions thereon subscribed by the president and clerk, to cause the same to be expended in improving

the highways and streets of said village as may be directed by the trustees under the provisions of this act.

SECTION 44. The street commissioner shall, from time to time, report to the trustees the names of any person or persons within this district liable to be assessed for money or labor for highway purposes, and whose names are not on the tax list, and said trustees shall cause such names to be added to said list and the tax collected.

Street commissioner to report.

SECTION 45. The street commissioner shall, within ten days after his appointment, deliver to one of the assessors of the village a list subscribed by him, containing the names of all the inhabitants in the district liable to work on the highway.

Street commissioner to make list.

SECTION 46. The street commissioner, before entering on the duties of his office, shall execute a bond to the corporation, in such penalty and with such surety or sureties as the trustees shall approve, conditioned that he will faithfully perform the duties of his office, and account for all commutation moneys that shall *by** received by him.

To execute bond.

SECTION 47. The street commissioner, upon the receipt of the assessment roll, shall have the power and be charged with the same duties in respect to the persons and property, and for the collection of the assessment and the expenditure thereof within his district and other places where the same may be lawfully applied, as is vested by law in the overseer of a highway district in a town, subject to the directions of the trustees, except he shall receive commutations only at the rates fixed by the board of trustees.

Powers and duties of street commissioner.

SECTION 48. It shall be the duty of the street commissioner to enforce, collect, and apply all the highway labor assessed, and to keep in good condition the streets and highways within the boundaries of the district, subject to the direction of the trustees as herein provided, and to superintend personally the work done; to make return on oath to the trustees as often as required by the president or any two trustees, showing the amount of work done, and money collected and applied, the kind of improvement, and when and where, and in what street or place expended; and at least two weeks before the annual meeting, to return his assessment roll with all the

1b.

* So in original.

money or work noted thereon, and showing all the arrearages uncollected; and to render a full account, on oath, stating the amount received and applied, and the balance, if any, which has been collected and not expended, and to pay over any such balance to the treasurer.

Highway
assessment.

SECTION 49. If the highway assessment, against any person or property, shall be returned by the street commissioner unpaid, the assessor for the ensuing year shall add the amount thereof to the assessment of the same person or property for that year. If any property owned by a person not a resident of the village shall be insufficiently described, either upon the general assessment roll or for highway labor, to enable a sale thereof to be made; the assessors who made the same may alter and correct such description at any time before the final return thereof to the trustees. All taxes on real property of persons not residents in the village; including highway labor at the rate of sixty-two and a half cents per day, shall be liens on said property.

Property of
non-resi-
dents.

Taxes to be
liens.

Effect of
refusal or
neglect to
pay assess-
ment.

SECTION 50. Whenever any person or corporation, upon whose estate or property a tax or assessment shall be imposed or assessed in pursuance of this act, shall refuse or neglect to pay the same within the life of the warrant issued for the collection thereof, and there shall be no sufficient personal property of such person or corporation found within the limits of said village, whereof the same can be levied and collected, the collector or street commissioner holding such warrant, shall make return thereof to the trustees, who are thereupon authorized to cause the estate on which such tax or assessment is imposed or assessed, to be sold at public auction for a term of time for the payment of such tax or assessment, giving six weeks' notice of such sale in one or more newspapers published in said village, and serving personal notice upon the owner of such estate, if he be a resident of said village, and if not a resident, then serving notice by mail upon such owner, if his place of residence be known to said trustees; and the said estate shall be sold to the person who shall offer to take it for the shortest term for the payment of such tax or assessment and interest, and the expenses of said publication, notice and

To sell at
public
auction.

sale, which shall be the same as provided by law in cases of foreclosures of mortgages by advertisement.

SECTION 51. Whenever any real estate shall be sold for the collection of any tax or assessment, and the owner thereof, his heirs or assigns, shall not, within one year thereafter, have paid or tendered to the purchaser thereof or his legal representatives, or to the treasurer of the village of Waterford, the amount of the bid on such sale, with interest at the rate of twelve per cent per annum, from and after the time of such sale, the trustees shall deliver to the purchaser or his assigns, a certificate of such sale, upon the seal of the said village, signed by the president and clerk of said village, the execution whereof may be proved and acknowledged as deeds, and may in like manner and with like effect be recorded as other conveyances of real estate.

Redemption of real estate.

SECTION 52. The purchaser at any such sale, on receiving such certificate, or his executor, administrator or assigns, may immediately enter into the possession of such real estate, and hold, occupy and enjoy the same during the time for which it was sold, as aforesaid; and such certificate shall, in all courts and places, be held presumptive evidence of the right of such purchaser, his heirs or assigns, to the possession of such premises during such term as against the said owner or those claiming under him.

Purchaser may take possession of real estate.

SECTION 53. The collector shall be vested with the same powers, and entitled to the same compensation in respect thereto, as collector of taxes in a town, and shall proceed in the same manner, except as herein otherwise provided, and except that the notice of the times and places at which he will receive taxes, required to be posted, shall instead thereof be posted for two weeks in three or more public places in said village, and he shall be entitled to the same fees as town collectors, and shall, within the time fixed for the return of his warrant, pay over to the treasurer all moneys collected by him, and return the said warrant to the clerk.

Collector.

SECTION 54. The street commissioner shall only act as such; he shall be in no wise, either directly or indirectly, interested in any job, work, team or labor of any person employed on the highway work or streets of the village.

Street commissioner not to be interested in any contract.

TITLE VIII.

OF THE ENGINEER AND FIREMEN.

Chief
engineer.

SECTION 55. The chief engineer of the fire department shall, under the direction of the trustees, have the general superintendence and custody of the fire engines, engine-houses, hooks, ladders, hose, public cisterns and other conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make detailed reports to the president of the state of that department one week before each annual meeting, and to make like reports to the trustees as often as they may require.

To be pres-
ent at fires.

SECTION 56. It shall be the duty of the chief engineer to be present at fires of buildings, and take the command of the fire companies, hose companies and hook and ladder companies, and the general control of all apparatus for extinguishing fires.

Assistant
engineers.

The assistant engineers shall aid the chief engineer at all fires, and in case of the absence of the chief engineer, the duties and powers of the office shall be exercised by the first assistant engineer, or, in his absence, by the second.

Idle and
suspicious
persons.

SECTION 57. The president or any engineer, or trustee may keep all idle or suspicious persons away from the vicinity of any fire, and may require the inhabitants of said village, or any bystanders, to form ranks or lines to carry water for the extinguishing of any fire in said village, and to aid the firemen in working their engines, hooks, ladders and hose, and to aid in removing and protecting property thereat; and every person refusing to obey such order shall be subject to a fine of three dollars, to be sued for and recovered in the name of the corporation, and paid to such fire company as the chief engineer may direct.

Present
firemen to
continue.

SECTION 58. The present firemen of the village of Waterford shall continue firemen of said village, subject to removal by the trustees. The firemen of said village shall be exempted from serving on juries and in the militia, except in cases of war, insurrection or invasion, and during the term of their service, shall also be exempted from all poll tax.

Names to

SECTION 59. The name of each fireman, with the date

of his appointment and term of service, shall be registered with the clerk of the village, in a book to be kept for that purpose ; and the only evidence necessary to entitle a fireman to his exemption, shall be the certificate of the president and clerk under the seal of the village, and which shall be granted without fee.

be registered.

TITLE IX.

MISCELLANEOUS PROVISIONS.

SECTION 60. No person shall be an incompetent witness, justice or juror, by reason of his being an inhabitant of the village of Waterford, or liable to taxation therein, in any action or proceeding, in which the said village is interested.

Competency.

SECTION 61. No person entitled to vote at any election held under this act, shall be arrested on civil process within said village, on the day on which such election is held.

Not to be arrested on election day

SECTION 62. Every person elected or appointed to any office under this act, who shall be sued for any act done or omitted to be done, in virtue of his office, and who shall have final judgment rendered in his favor, whereby he shall be entitled to costs, shall recover double costs, as defined in the Revised Statutes.

Officer under this act may recover double costs in certain cases.

SECTION 63. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment, duly assessed against any such person or corporation, the trustees may collect the same by action, in the corporate name against such person or corporation ; but such action shall not operate to release any lien on property for such tax, until the judgment rendered in such suit shall have been fully satisfied.

Neglect or refusal.

SECTION 64. Whenever any real estate in said village shall be owned by two or more persons, jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all, for any purpose requiring a notice under this act.

Joint owners of real estate.

SECTION 65. The trustees may take precautionary measures to guard the public health in times of pestilence, and to provide against infectious and pestilential diseases, when they appear in the village, by providing suitable places for the temporary removal of persons hav-

Public health.

ing such diseases, from the populous parts of the village, and defray the expenses incident to such removal.

Former acts repealed.

SECTION 66. All the former acts and parts of acts, relative to the incorporation of the village of Waterford, are hereby respectively repealed; but such repeal shall not affect any act done, privilege granted, right vested or established institution located, or any proceeding, suit or prosecution had or commenced previous to the time when such repeal shall take effect. And all officers elected or appointed under or by virtue of the acts hereby repealed, shall continue in office until the first board of trustees, elected under this act, shall become organized.

Certain acts not affected.

SECTION 67. Nothing contained in this act shall repeal or affect, or be construed to repeal or affect, the act entitled "An act to provide for the appointment of commissioners of deeds in the village of Waterford," passed March the thirty-first, eighteen hundred and fifty-nine.

Officers to be residents

SECTION 68. All officers elected or appointed under this act must be residents of the village of Waterford, and the removal of any officer therefrom shall vacate his office. All resignations of any officers under this act shall be made to the trustees, subject to their acceptance.

Public act.

SECTION 69. This act is hereby declared a public act, and shall be construed favorably and benignly for every beneficial purpose therein contained.

SECTION 70. The legislature may at any time repeal or modify this act.

SECTION 71. This act shall take-effect immediately.

Chap. 244.

AN ACT to amend the charter and change the name of the Central America Commercial and Industrial Company, passed April sixteen, eighteen hundred and fifty-eight.

Passed April 12, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. The Central America Commercial and Industrial Company shall hereafter be known by the name

and title of the "Commercial and Industrial Company of North America," with power of organizing, conducting and facilitating emigration to any state or territory, as well as to Central America.

§ 2. Any two of the corporators named in the said act may act as commissioners for opening books of subscription to the capital stock of said company; and when the sum of thirty thousand dollars has been subscribed, and ten per cent paid in, the stockholders may, under the direction of any two of the commissioners, proceed to elect directors, who shall hold their office until the first Monday in June, eighteen hundred and sixty, or until others are elected.

Two corporators may act as commissioners.

Chap. 245.

AN ACT to provide for the drainage of the low lands lying between the Ridge road and the north line of the town of Hartland, in the county of Niagara.

Passed April 12, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Upon the written petition of ten or more freeholders interested, verified by their oath or affirmation, the supreme court is hereby authorized to appoint three suitable persons, residing in said county and outside of the towns of Hartland or Somerset, as commissioners for draining the low lands lying between the Ridge road and the north line of the town of Hartland, in the county of Niagara. It shall be the duty of said commissioners to cause a survey and map of said low lands to be made, exhibiting the number of acres (as nearly as the same can be ascertained without actual measurement) in each and every of the several separate tracts of land which in their judgment will be directly benefited by such drainage, together with the names of the owners or occupants of said several separate tracts of land, as far as such names can be ascertained. They shall also cause the level of said low lands to be ascer-

Supreme court may appoint commissioners.

Their duty.

tained, with reference to the thorough and effectual drainage thereof.

Corporate
name of
commis-
sioners.

§ 2. Said commissioners shall be designated and known as "the commissioners for draining the low lands in the town of Hartland," and before entering on the discharge of their duties they shall severally take an oath or affirmation in writing, faithfully to discharge the duties of said appointment, and file the same in the office of the clerk of the county of Niagara; and shall also severally execute to the people of the state of New York, a bond, with sureties, in the penal sum of ten thousand dollars, conditioned for the faithful performance of their several duties as such commissioners, and for the paying over and accounting for all such sum and sums of money as shall come into their hands severally as such commissioners, according to the provisions of this act; which bonds shall be approved as to their form and manner of execution, and the sufficiency of the sureties, by the clerk of the county of Niagara or by the county judge of said county, and when so approved shall be filed in the office of the clerk of the county of Niagara.

To execute
bond.

Main ditch
to be cut.

§ 3. It shall be the duty of said commissioners to cause to be cut through said low lands, one main ditch, commencing near the west line of the town of Hartland, and extending in an easterly direction to such stream or outlet as said commissioners shall deem most advisable; and so many lateral ditches as will be sufficient for the thorough and effectual drainage of said low lands. They shall have power to determine the size and location of such main and lateral ditches; the descent of the bottom and the slope of the sides of the same, and all other matters appertaining to the construction of said ditches.

Size and
elevation.

Size and
location to
be specified
on map.

§ 4. When said commissioners shall have determined the size and location of said ditches and the descent of the bottom and the slope of the sides thereof, they shall cause the same to be delineated or specified on the map mentioned in the first section of this act, and shall then cause one copy of said map to be filed in the office of the clerk of the county of Niagara, and one copy thereof to be filed in the office of the clerk of the town of Hartland.

Powers
of com-
missioners.

§ 5. The said commissioners shall have power to enter upon said low lands, with all necessary assistants, to make surveys and take levels, and to do all necessary acts and

things preliminary to the construction of said ditches. They shall also have power, when such ditches shall be located, to enter upon and take possession of the land necessary for the construction thereof, and to appropriate and use the same for the purpose of constructing said ditches.

§ 6. Said commissioners shall estimate and assess the cost of constructing such ditches, as they determine to make, including land damages therefor, and their fees, and all the expenses incident thereto; and shall apportion the same among the several owners or occupants of the lands deemed to be directly benefited by such drainage, according to the number of acres owned or occupied by each and every owner or occupant thereof, and according to the benefit which each separate tract of land will, in the judgment of said commissioners, derive therefrom. They shall also estimate and award the damage which the owner of each separate tract of land through which or along the line of which any of said ditches shall be constructed, will sustain by reason of the construction thereof; and in all cases in which the owner of any tract of land shall be awarded damages by reason of the construction of said ditches or any of them; and the same land shall be assessed for benefits derived therefrom; such damages shall be set off against such benefits, or such benefits shall be set off against such damages, as the case may require.

To estimate
and assess
costs.

Damages.

§ 7. A copy of such estimate of land damages and also of such estimate of benefits, signed by said commissioners, or a majority of them, shall be filed in the office of the clerk of the county of Niagara; another copy shall be filed in the office of the clerk of the town of Hartland, and another copy shall be left with and filed by the clerk of the board of supervisors of the county of Niagara; and when said copy shall be filed in the office of the clerk of the county of Niagara, said assessment for benefits shall be a lien upon each separate tract of said land, to the amount assessed thereon for benefits, until such assessment, with all interest thereon, and the expenses of collecting the same, shall be fully paid; and such lien shall take the precedence of every other lien, claim or incumbrance, on each separate tract of land assessed as aforesaid.

Copy of
estimate to
be filed in
office of
clerk of
Niagara
county.

Expenses of
draining
lands.

§ 8. The expense of draining said lands, the said board of supervisors shall cause to be assessed to or taxed upon the owners or occupants of the several separate tracts of land mentioned or described in the assessment for benefits, made by said commissioners, in proportion to the amounts assessed to them respectively by said commissioners. In cases where the owners of any of said separate tracts of land shall have been awarded damages by reason of the construction of said ditches, or any of them, such damages shall be deducted from the assessment upon the same land for benefits, and only the balance of said assessment shall be collected. The said assessments shall be levied and collected and paid over to the county treasurer of Niagara county, in the same manner as county taxes are by law levied and collected and paid over. One-fourth thereof, together with interest on the whole sum to the twentieth day of February, eighteen hundred and sixty, to be levied at the meeting of said board of supervisors to be held in the fall of eighteen hundred and fifty-nine, and one-fourth thereof, together with one year's interest on the amount remaining unpaid, to be levied at each successive annual meeting of the said board, until the whole sum with interest shall be fully paid. The said sums to be levied and collected annually, of the several owners or occupants of the several separate tracts of land mentioned or described in the assessment made by said commissioners, shall be placed in a separate column in the assessment roll of the town or towns in which the lands so assessed shall be situated, to be headed "drainage tax." In case any of the said assessments cannot be collected by the collector of taxes of the town or towns in which the lands so assessed may lie, the lands on which such unpaid assessments were assessed may be returned to the comptroller in the same manner and with like effect as for the non-payment of an ordinary county tax.

"Drainage
tax."

Lands
assessed,
when to be
returned to
comptroller

Commis-
sioners may
borrow
money.

§ 9. The said commissioners are hereby authorized, empowered and directed to borrow on their official bond or bonds, by virtue of this act, the sum of money estimated by them to be necessary to complete the whole work of constructing said ditches, in such sum or sums, and from time to time, as the same shall be needed by them for the prosecution of said work, and the same, if

practicable, shall be fully completed within one year from the passage of this act; said bonds shall be made payable in four equal annual installments, with annual interest; the first installment of principal and interest to be payable February twentieth, eighteen hundred and sixty.

§ 10. Said commissioners shall publish in two weekly newspapers, once in each week, for at least four weeks successively, a notice that at a time and place in such notice specified they will meet and receive proposals in writing for the construction of said ditches, and may contract for the construction of all of said ditches in one contract, or separately, or in sections, as to them shall seem most advisable, which contract or contracts shall be entered into, in writing, subscribed by said commissioners, and contractor or contractors respectively. And said commissioners shall also require ample security for the full and faithful performance of any such contract or contracts.

§ 11. Said commissioners shall, as often as once in three months during the progress of said work, make and file with the treasurer of the county of Niagara, a statement, verified by their oath, of the cost of the work up to the time of making each of said statements, and of the amount of money paid thereon.

Statements
to be filed
once in
three
months.

§ 12. Before the twentieth day of February, eighteen hundred and sixty, the said commissioners shall file with the treasurer of the county of Niagara, a written statement, verified by their oath, specifying the number of bonds issued by them to raise money to construct said ditches, the date and amount of each; to whom made payable and the time or times when the money secured thereby will become due and payable.

Statement
to be filed
before Feb-
ruary 20,
1860.

§ 13. It shall be the duty of the treasurer of the county of Niagara to pay the interest on the bonds issued by said commissioners, and the installments of principal, on presentation to him of said bonds, after the same become due and payable, as far as the money in his hands applicable to that purpose will permit.

Treasurer
of Niagara
Co. to pay
interest on
bonds.

§ 14. The said commissioners are authorized severally to charge and receive pay for their services under this act, not exceeding the sum of two dollars and fifty cents for each and every day they shall be necessarily engaged

Compensa-
tion of com-
missioners.

in the discharge of their duties under the provisions of this act.

Vacancies.

§ 15. If from any cause the office of any or all of said commissioners shall become vacant, the supreme court, upon the petition of any three persons interested in the completion of said work, setting forth the fact of such vacancy and the cause thereof, duly verified, shall be authorized to appoint a suitable person possessing the same qualifications as to residence, as specified in the first section of this act, to fill every such vacancy, and every person so appointed to fill such vacancy, shall be entitled to enter upon the discharge of the duties of such office as soon as he shall have filed his oath of office and given the bond required by this act, in the form and manner required in said first section.

**To be under
charge of
commis-
sioners of
highways.**

§ 16. The said ditches when completed shall be under the care and direction of the commissioners of highways of the town of Hartland, who are hereby directed to keep said ditch or ditches in good order, and shall have power to direct in regard to the time and manner of clearing out and repairing said ditches from time to time as the same shall be necessary; they shall annually report to the supervisor of the town of Hartland, on the first Tuesday of October, the expense of clearing out and repairing said ditches. Said supervisor shall annually cause such expense to be assessed upon the lands mentioned or described in the assessment made by said commissioners, of the expense of constructing said ditches, in proportion to the amount originally assessed upon each separate tract of said land.

§ 17. This act shall take effect immediately.

Chap. 246.

AN ACT authorizing the Hempstead and Jamaica Plankroad Company to collect increased tolls, upon certain conditions.

Passed April 12, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. That so soon as the directors of the Hempstead and Jamaica Plankroad Company shall cause their road, or that portion of the same which is about four and one-half miles in length, viz., from the middle gate on said road to the village of Hempstead, to be newly planked and completed, that then and from thenceforth it shall be lawful, and by this act the said company are authorized and empowered to collect, for each mile traveled by wagons, or otherwise, drawn by one horse, mule or ox, the sum of one and one-quarter cent per mile, and for each additional horse, mule or ox, the sum of one and one-quarter cent per mile, so traveled on said Hempstead and Jamaica plankroad. May collect increased toll.

SECTION 2. All laws and parts of laws in any way conflicting with this act, are hereby repealed.

Chap. 247.

AN ACT to incorporate the Union Dime Savings Institution, of the city of New York.

Passed April 12, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Maltby G. Lane, George Seeley, Joseph U. Orvis, Harrison Hall, Aaron Close, John McLean, Francis Frederick Gunther, Andrew Bleakley, Ezra Smith, Sillick Nichols, William S. Whitlock, Edward D. Nelson, Silas B. Dutcher, James Shaw, Charles D. Bailey, Augustus F. Dow, William T. Hemmenway, Henry W. Smith, Bradbury M. Johnson, Emanuel Schloss, Gardner S. Chapin, Napoleon I. Haines, Alexander Rich, Daniel Buhler, Names of corporators.

Eder V. Haughwout, William S. Fogg, Solomon L. Hull, Charles C. Leigh, Mathias Clark, John Creighton, William H. Albertson, William Watts, John Wetterau and Isaac Dayton, and their successors, shall be, and they are hereby constituted, a body corporate and politic, by the name of the "Union Dime Savings Institution," to be located in the city of New York, and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever.

Real estate.

§ 2. The real estate, which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

1. Such as may be requisite for its immediate accommodation for the convenient transactions of its business.

2. Such as shall have been mortgaged to it, in good faith, for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees, obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose; and all such real estate, as is described in the second and third subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise whatever, except in the cases where it is authorized to do so by the terms of this act; and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

Not to receive pay.

§ 3 The trustees of said corporation shall not, as such, directly or indirectly, receive any pay or emolument for their services.

Business to be managed by board of trustees.

§ 4. The business of the said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit; eight of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business, and the affirmative vote of at least seven members of the board, shall be requisite to make any order for, or to give authority to make any in-

t of any moneys, or to sell or transfer any stock
ities belonging to the corporation, or the appoint-
any officer receiving a salary therefrom.

The persons named in the first section of this act,
the first trustees of said corporation, and all va-
by death, resignation or otherwise, in the office
ee. shall be filled by the board, by ballot, without
sary delay, and at least seven votes shall be neces-
the election of any trustee. The said trustees
ld a regular meeting at least once in each month,
ve the reports of their officers as to the business
irs of the corporation, and to transact such busi-
may be necessary; and any trustee omitting to
he regular meetings of the board for six successive
may thereupon, at the election of the said board,
dered as having vacated his place, and a successor
elected to fill the same. The supreme court may
ime, for due cause, remove any trustee, on proper
o such trustee, and affording him an opportunity
ard in his defense.

First
trustees.

The general business and object of the corporation
created, shall be to receive on deposit such sums
y as may be from time to time offered therefor,
invest the same in the securities or stocks of this
of the United States, or in the stocks or bonds
city, authorized to be issued by the legislature of
e, or in such other manner as is authorized by this
the use, interest and advantage of the said depo-
d their legal representatives; and the said corpo-
nall receive as deposits all sums of money which
ffered, for the purpose of being invested as afore-
t not to exceed the sum of five thousand dollars
y individual, which shall, as soon as practicable,
ted accordingly, and shall be repaid to such depo-
en required, at such times, and with such interest,
er such regulations, as the board of trustees shall
ne to time prescribe; which regulations shall be
n some public and conspicuous place, in the room
ne business of said corporation shall be transacted,
l not be altered so as to affect any deposit pre-
made. No president, vice-president, trustee,
r servant of said corporation, shall directly or
y borrow the funds of said corporation, or its

Business
and objects
of corpora-
tion.

Officers not
to borrow
funds.

Certificate of deposit.	deposits, or in any manner use the same or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit made by the proper officer of such corporation, shall be as binding on said corporation as if they were made under their common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses. No money deposited in the said institution shall be invested, except in the securities of stocks mentioned in this section, in opposition to the vote of any two trustees; but by the consent and approbation of all the trustees present at a regular meeting, amounts to be approved of by them, not exceeding ten thousand dollars to any one individual, may be loaned on unincumbered productive real estate, worth at least double the amount, to be secured thereby. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower; and it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding one-third of the total amount of deposits with said institution, at the discretion of the said trustees, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct. Temporary deposits may be made in any of the incorporated banks, or in any of the associations which are now or may hereafter be formed under the general banking law in the city of New York, and interest may be received thereon at such rates, not exceeding that allowed by law, as may be agreed upon.
Money, how to be invested.	
Bond or other security to be required.	
Temporary deposits.	
By-laws.	§ 7. The board of trustees of said corporation shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations,

all judge proper for the election of their officers
 ing their respective functions, and the mode
 ing the same, for the regulation of the times
 of the officers and trustees, and generally for
 , managing and directing the affairs of the
 , provided such by-laws, rules and regulations
 ugnant to this act, to the constitution or laws
 e, or of the United States.

e board of trustees, may appoint such subor-
 ers of, and agents of the said corporation as
 deem necessary, who shall, respectively, give
 ty for their fidelity and good conduct as the
 trustees may from time to time require; and
 shall, from time to time, fix the salaries of
 s and agents,

e said corporation shall, in every year here-
 a report to the superintendent of the banking
 of this state, as required by law.

e books of the said corporation shall at all
 g their business hours, be open for inspection
 ation to the superintendent of the banking
 of this state, and such other persons as the
 shall designate or appoint as their agent for
 e; whenever any agent shall be appointed to
 such examination, he shall be paid for his
 such corporation, such sum as the superin-
 ll certify to be reasonable and just.

Whenever any deposit shall be made by any
 trustees of the said corporation may, at their
 pay to such depositor such sums as may be
 or her, although no guardian shall have been
 or such minor, or the guardian of such minor
 ve authorized the drawing of the same, and
 receipt or acquittance of such minor shall be
 if the same was executed by a guardian of
 or the said minor was of full age, if such
 made personally by said minor; and when
 shall be made by any female, being or here-
 ing a married woman, the said corporation
 r discretion pay to such last mentioned depo-
 sums as shall be due to such female, and the
 acquittance of such female shall be sufficient
 o said corporation.

Subordi-
 nate officers

To make
 report.

Books to be
 opened
 during busi-
 ness hours.

Deposits by
 minors.

By females.

Misnomer.

§ 12. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

Supreme court may appoint persons to examine affairs of bank.

§ 13. The supreme court may, at any time, on the application of any trustee or depositor in said institution, and on reasonable cause shown therefor to the satisfaction of the said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally; the books, papers and business of said corporation shall be open, and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons, and the same court may confer such further powers on the person or persons so appointed, as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigation to the said court, who, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

To report result of investigation.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed or altered or amended at any time hereafter.

§ 15. This act shall take effect immediately.

Chap. 248.

ACT to incorporate the Dime Savings Bank
of Brooklyn.

Passed April 12, 1859.

*People of the State of New York, represented in
and Assembly, do enact as follows :*

SECTION 1. Cyrus P. Smith, Daniel Embury, Harold
r, Josiah O. Low, Moses S. Beach, Isaac H. Froth-
n, Elwood Walter, Moses F. Odell, George Hall,
n W. Edwards, Thomas H. Sandford, Henry Row-
Alanson Trask, John A. Cross, David Farley,
n Ellsworth, Samuel S. Powell, Peter O'Hara,
d Field, Edwards W. Fiske, John Halsey, Sherman
rling, Adolph Koop, Charles J. Lowrey, Conklin
Isaac Carhart, John H. Baker, Jacob H. Sack-
Daniel Chauncey, Stephen Haynes, Albert H. Os-
and their successors, are constituted and created a
corporate and politic, by the name of "The Dime
s Bank of Brooklyn," and by that name shall have
ual succession, and may sue and be sued in any
whatsoever, and to be located in the city of Brook-

Names of
corporators.

The real estate which it shall be lawful for the
orporation to purchase, hold and convey, shall be:
uch as may be requisite for its immediate accom-
on for the convenient transaction of its business.
uch as shall have been mortgaged to it in good
for money loaned in pursuance of the provisions of
t.

Real estate.

uch as shall have been purchased at sales upon
ents or decrees obtained or rendered for money so
; and the said corporation shall not purchase, hold,
ey real estate in any other case, or for any other
e; and all such real estate as is described in the
and third subdivisions of this section, shall be
y the said corporation within five years after the
hall be vested in it, by purchase or otherwise; and
d corporation shall not, directly or indirectly, deal
e in buying or selling any goods, wares or com-
es whatever, except in the cases where it is autho-

rized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

Not to receive pay.

§ 3. The trustees of said corporation shall not as such, directly or indirectly, receive any payment or emolument for their services.

Business, how managed.

§ 4. The business of the said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit; seven of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business, and the affirmative vote of at least seven members of the board shall be requisite in making any order for or authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

Quorum.

First trustees to hold regular meetings.

§ 5. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies by death, resignation or otherwise, in the office of trustee, shall be filled by the board, by ballot, without unnecessary delay, and at least ten votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense. The president, or in his absence one of the vice-presidents, shall have the power to call a meeting of the trustees upon one day's notice.

Supreme court may remove trustees.

General business.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor by tradesmen, clerks, mechanics, laborers, minors, servants and others, not exceeding the sum of three thou-

ars from any one individual, and investing the the stocks and bonds and treasury notes of the states, or in the stocks or bonds of this state, or of this state, or of the county of Kings, or the same upon bonds, secured by mortgage upon bered real estate, situated within the county of north at least double the amount loaned thereon. shall be the duty of the said trustees to invest as practicable, in the securities before named, all eived by them beyond an available fund, not g one-third of the total amount of deposits with titution, at the discretion of the said trustees, id available fund the said trustees may keep to rent payments of said corporation, and which hem be kept on deposit on interest or otherwise, h available form as the trustees may direct, and e received on deposit shall be repaid to such r when required, at such times, with such inte- under such regulations as the board of trustees n time to time prescribe, which regulations shall d up in some public and conspicuous place in the ere the business of said corporation shall be d, but shall not be altered so as to affect any eviously made.

o president, vice-president, trustee, officer or f said corporation shall, directly or indirectly, he funds of said corporation or its deposits, or in ner use the same or any part thereof, except to ssary expenses, under the direction of said board es.

Officers not
to borrow
funds of
corporation

ificates or other evidences of deposit, made by er officer of such corporation, shall be as binding orporation as if they were made under their com- ; it shall be the duty of the trustees of said cor- to regulate the rate of interest to be allowed to sitors, so that they shall receive, as nearly as may ble proportion of all the profits of said corpo- ter deducting all necessary expenses ; provided, that said trustees may allow to depositors, to the f five hundred dollars or upwards, one per cent the amount allowed others ; and provided, also, r it shall appear that there is an excess of twenty- sand dollars in the possession of said corporation,

Certificates
of deposit.

after the payment of the usual interest to the depositors, that sum shall be invested for the security of the depositors in said corporation; and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably amongst the depositors, in such manner as the board of managers shall direct.

By-laws.

§ 8. The board of trustees of the said corporation shall have power from time to time to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the regulations of the times of the meetings of the officers and trustees, and generally for transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this state, or of the United States.

Subordinates, &c., to give security.

§ 9. The subordinate officers and agents of the said corporation shall respectively give such security for their fidelity and good conduct, as the board of trustees may from time to time require, and said board shall fix the salaries of such officers and agents.

Book to be open for inspection during hours of business.

§ 10. The books of said corporation shall, at all times during the hours of business, be open for inspection and examination, to the superintendent of the bank department of this state, and such other persons as the legislature shall designate or appoint.

Minors and married women.

§ 11. Whenever any deposit shall be made by any minor, the trustees of said corporation may at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed by or for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. And whenever any deposits shall have been made by married women, may repay the same on their own receipts.

§ 12. This act shall take effect immediately.

Chap. 249.

AN ACT to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the state.

Passed April 12, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The agent and warden of the Auburn prison, with the approval and under the direction of the commissioners of the land office, may sell the piece of land belonging to the state in the city of Auburn, described as follows, viz.: being about one-half of an acre of land, lying on the south side of the Owasco outlet, and bounded by said outlet, the New York Central Railroad, Water street and lands now occupied by Charles Richardson; reserving at all times the right of way through the lane on the north side of said land to the prison dam, for the purpose of repairing or reconstructing the same, and also the right, at any time, of occupying so much of said land as may be necessary for the purpose of placing materials for such repairs or reconstruction. Such sale to be made at public auction, upon the same notice required by law of sheriffs in case of sale of real estate on execution, and upon such terms, as to payment, as may be approved by said commissioners of the land office.

Agent may
sell certain
land.

§ 2. So much of the proceeds of such sale as may be necessary for that purpose shall be expended by said agent and warden, under the direction of the inspectors of prisons, in the purchase of a piece of a land to be used as a burial lot for the interment of convicts dying in the Auburn prison and the state asylum for lunatic convicts, whose remains shall not be otherwise disposed of pursuant to law.

Proceeds,
how ex-
pended.

§ 3. Any surplus of money not expended pursuant to section two of this act, shall be paid into the treasury of the state.

Surplus.

§ 4. This act shall take effect immediately.

Chap. 250.

AN ACT for the relief of Jairus H. Munger and others.

Passed April 12, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Suits to be discontinued.

SECTION 1. The attorney-general is hereby directed to discontinue the suits heretofore commenced by him for the recovery of penalties against Jairus H. Munger and others, late supervisors of Oneida county, and against Horton Corwin and others, late supervisors of Orange county, upon the payment to him, by the defendants therein, of the taxable costs of said suits.

SECTION 2. This act shall take effect immediately.

Chap. 251.

AN ACT for the relief of William Dickey, of the town of Nunda, in the county of Livingston.

Passed April 12, 1859 ; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Interest of state released.

SECTION 1. The commissioners of the land office are hereby authorized and directed to release and convey to William Dickey, of the town of Nunda, in the county of Livingston, all the right, title and interest of the people of this state, acquired by escheat, of, in or to that certain parcel of land, situate in the town of Nunda, in the county of Livingston, being part of lot number forty-nine, of the Tuscarora tract, as surveyed and allotted by John Smith, in the years eighteen hundred and ten and eighteen hundred and eleven, and bounded on the east, south and west by the east, south and west lines of said lot, and north by a line parallel to the south line, thirteen chains and thirty-three and one-third links therefrom, containing seventy-four and sixty-two one-hundredth acres, being the same lands conveyed by William C. Fuller and wife to Robert Dickey, deceased.

But such release shall not be executed or delivered unless the said William Dickey shall have produced to and with the said commissioners satisfactory proofs that he lawfully acquired all the title and interest in the premises above described, which said Robert Dickey is entitled to own therein.

This act shall take effect immediately.

Satisfactory
proofs to
be filed.

Chap. 252.

ACT in relation to the publication of legal notices.

passed April 12, 1859; three-fifths being present.

People of the State of New York, represented in and Assembly, do enact as follows:

SECTION 1. The proprietor or proprietors of any newspaper may charge and collect, for publishing any notice, citation, summons, or other proceeding or advertisement required by law to be published, not more than five cents per folio for the first insertion, and five cents for each subsequent insertion after the first. This act shall not operate to change the present mode of compensation for the publication of the Session Book, nor shall the provisions of this act apply to proceedings in surrogates' courts, or any notices required to be published relating to the estates of deceased persons. All laws and parts of laws inconsistent with this act are hereby repealed.

This act shall take effect immediately.

Compensa-
tion for
publishing.

Chap. 253.

AN ACT to provide for the erection of a new ward in the city of Rochester.

Passed April 12, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Seventh
ward divid-
ed.
Twelfth
ward erect-
ed.

Officers of
seventh
ward.

To have
separate
officers.

Officers to
be elected
at annual
election in
1869.

SECTION 1. The present seventh ward of the city of Rochester is hereby divided by a line running along the center of the Erie canal, from the point where the center of said canal crosses the easterly line of said city, and running thence along the center of said Erie canal to a point where it will intersect with a line extended westerly from the center of Howell street; all that part of said ward lying east and north of said line along the center of said canal, shall remain and continue the seventh ward of said city; and all the remainder of said ward is hereby erected into a new ward to be called the twelfth ward of said city. The officers of the said seventh ward, in office at the time this act shall take effect, shall be and continue the officers of the ward in which they may respectively reside, for the terms for which they shall have been elected or appointed. And the said seventh and twelfth wards shall each be entitled to have and elect the same officers, for the same terms, with the same powers, and subject to the same duties and liabilities as provided by law in relation to the other wards of said city.

§ 2. Such of said officers as are elective by law shall be elected at the annual election to be held in said city on the first Tuesday of March, one thousand eight hundred and fifty-nine, in case this act shall take effect before that day; and otherwise the common council of said city may order and appoint special elections for that purpose, to be held in said wards, at such time and place as the said common council may designate, and they may appoint inspectors of such elections to supply any vacancy which may exist in either ward.

§ 3. This act shall take effect immediately.

Chap. 254.

AN ACT empowering the boards of supervisors in the respective counties of this state, to fix and determine the compensation to be allowed for the conveyance of juvenile delinquents to houses of refuge, and insane criminals to insane asylums.

Passed April 12, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows :

SECTION 1. The boards of supervisors in the respective counties of this state are hereby empowered, and it shall be their duty, annually to fix and determine the compensation to be allowed and paid to officers for the conveyance of juvenile delinquents to the houses of refuge, and of lunatics to the insane asylums, and no other or greater amount than that so fixed and determined shall be allowed and paid for such service.

Boards of supervisors to determine compensation.

§ 2. So much of the seventeenth section of chapter two, title eight, part four of the Revised Statutes, as is inconsistent with the provisions of this act, as well as all other laws conflicting herewith, are hereby repealed.

Conflicting statutes repealed.

§ 3. This act shall take effect immediately.

Chap. 255.

AN ACT granting and releasing all the right, title and interest of the people of the state of New York, in and to a message lot of ground and premises in the first ward of the city of New York, to the Reverend Robert Arnold and Catharine his wife, and others.

Passed April 12, 1859 ; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest of the people of the state of New York, in and to the message lot of ground and premises known as number six Green-

Interest of date released.

wich street, in the first ward of the city of New York, are hereby granted and released to the Reverend Robert Arnold and Catharine his wife, Susan Jeffery, wife of Thomas Nickleson Jeffery, and Douglas E. B. Henderson, only child and heir-at-law of Mary Henderson, deceased, in the shares and proportions following, to wit: One equal undivided fourth part to the said Robert Arnold, one equal undivided fourth part to the said Catharine Arnold, one equal undivided fourth part to the said Susan Jeffery, and one equal undivided fourth part to the said Douglas Edmund Boyle Henderson.

May hold,
convey and
dispose of
lot.

§ 2. The said Robert Arnold, Catharine Arnold, Susan Jeffery, and Douglas E. B. Henderson, are hereby authorized to take, hold, convey and dispose of the said mesuage lot of ground and premises, in the same manner and with the same force and effect as if they were, respectively, citizens of the United States.

Condition.

§ 3. The preceding release is upon the express condition that the parties therein named, or their legal representatives, shall sell and convey their several shares and interests in said lands and premises, to a person or persons authorized to hold lands in this state, within five years from the time when this act shall take effect.

How affect-
ed by de-
cease of
persons
named.

§ 4. If any of the persons before named shall decease within the said period of five years, without having sold or conveyed their interest in said premises, their heirs-at-law or legatees may, for the unexpired term of said period, hold, sell, and convey such interest, in the manner and with the effect herein prescribed, notwithstanding such heirs or legatees may not be residents or citizens of the state, or of the United States.

Chap. 256.

CT to amend the charter of the village of
Ogdensburgh.

ed April 12, 1859; three-fifths being present.

*People of the State of New York, represented in
and Assembly, do enact as follows :*

ON 1. Section five to be amended so as to read as

the treasurer, clerk, police justice, police constable, commissioner, chief engineer of the fire department and his assistants, shall be elected by the board of trustees, at their first meeting in May, hereafter, in meeting a quorum be present; and if not, at the next meeting when such quorum is present, and it shall require at least five votes to elect. The police justice shall be selected from the justices of the peace of the village of Oswegatchie, resident in the village of Ogdensburgh, unless they shall refuse to serve. The salary of the police justice shall be two hundred dollars per annum, and shall not be increased above three hundred dollars, unless by a vote of the board of trustees, taken by ayes and noes, and concurred in by six trustees.

Board of trustees to elect certain officers.

Police justice.

Salary.

Terms of all officers elected by the trustees shall be for one year, or until others are chosen and qualified, and shall terminate sooner by resignation, removal or death. Subdivision ten, of section fourteen, to be made as follows:

Terms of office.

for procuring and maintaining public pounds.*

Public grounds.

Subdivision sixteen, of section fourteen, to be amended so as to read as follows:

to pay salary of superintendent of schools, and for the board of education; but these expenses shall not exceed the sum of four hundred dollars in any one year.

Salary of superintendent of common schools.

Subdivision two, of section thirty, to be amended so as to read as follows:

to provide for the care, custody and preservation of the public property, records and papers of such village.

Public property of village.

* So in original.

lage, and to sell or otherwise dispose of such property as shall not be required for the public use.

§ 5. Subdivision four, of section thirty, to be amended so as to read as follows:

Officers of
village to
perform
duties
faithfully.

4. To see that the officers of the village perform their duties faithfully and correctly, and to cause measures to be taken to punish neglect of duty by any of them, and, for sufficient cause, to remove from office any of them, except the president, a trustee, or collector; but no officer shall be removed except for incompetence, neglect of duty, or misconduct, and upon the concurrence of six trustees voting for such removal.

§ 6. Subdivision one, of section thirty-one, to be amended so as to read as follows:

Pounds.

1. To establish and regulate public pounds, and appoint and define the duties of pound masters; but such duties shall not be inconsistent with the laws of this state.

§ 7. Section thirty-six to be amended so as to read as follows:

Powers of
trustees.

§ 36. The board of trustees shall have the power, by a vote of two-thirds of all the members elected, to cause any sidewalks in said village, which have not already been flagged and curbed, to be raised, leveled, graded, curbed and flagged or planked, in such manner and with such material as they may deem proper; and to cause any sidewalks which have been flagged and curbed, to be relaid, amended or repaired, whenever they may deem it necessary, and the said board shall assess the expenses of every improvement against the owner of the lot along or adjoining which such work shall be done, and which shall be a lien upon such lots, and a charge against the owners respectively thereof. Before doing such work, it shall be the duty of the trustees to cause a notice to be served on each of the owners resident in said village, personally or at their residences, specifying the improvement to be made, of what material, and the manner in which they require the same to be done, and the time, not exceeding sixty days, in which the owners may do such work along their respective lots. The board of trustees may also, in their discretion, cause common sewers and drains to be made in any part of the village, upon the application, in writing, in each case, of a majority of the resident owners of the lots along which the proposed sewer or drain

built, and may determine what share or proportion, of the expense of the same shall be paid by age, and may apportion and assess the expense or the residue of such expense, upon the owners of, or others interested in the buildings, tenements and real estate which they shall deem beneficially, in proportion, as near as may be, to the benefits and advantages which each shall acquire thereby, such assessment shall be binding and conclusive upon the owner or owners and others interested, and shall be upon such lots and real estate. And for all such charges the trustees shall issue their warrants, and the same to be collected, with interest from the date of the assessment, in the same manner as other taxes and assessments are collected. Any person who conveys any real estate under contract for the sale thereof, may, in the discretion of the trustees, be held the owner thereof for all the purposes of this

Section forty-six to be amended so as to read as

The board of trustees of said village shall apportion the amount required by law to be raised by tax for general, highway, special and school funds in each year upon the real and personal property in said village, and the same shall be set down and valued in the village assessment roll mentioned in the forty-seventh section of chapter 10, and shall, on or before the first day of June, in each year, complete such apportionment and deliver the same to the collector for the collection of any tax to be collected to the collector. They shall specify in their certificate the amount included for each fund, which shall be kept separate from other funds, and shall only be appropriated to the purposes for which it was raised.

Trustees to
make ap-
portion-
ment.

Section forty-seven to be amended so as to read as

It shall be the duty of the assessors of the town of Ogdensburgh, residing in the village of Ogdensburgh, to prepare and deliver to the trustees, on or before the first day of May in each year, an assessment roll of the property in said village subject to taxation, with the amount thereof, as set down in the last preceding town assessment roll, or as the same shall be changed under

Assessors
of the town
of Osges-
burgh, their
duties.

the authority herein given, together with the names of all persons within said village subject to poll tax. They shall also make out and attach to said roll a list of the property in the consolidated school district lying without the village limits, with its value therein as above provided. The said assessors are also hereby authorized and required, on or before the date above mentioned, and upon five days' notice to the party or parties interested, to add to such assessment roll any property liable to taxation, with the taxable value thereof, which may have come within the corporation since the making of the town assessment roll, or which may have been omitted thereon, and, in their discretion, to reassess any property which, since the making of the town assessment roll, has changed in value. And the said assessors shall have the same power to administer oaths and correct valuations, and shall have the same compensation as are given by law to town assessors. The expense of the service herein required shall not exceed the sum of fifty dollars in any one year, and shall be paid by the trustees from the general fund.

§ 10. Section forty-eight to be made to read as follows:

Highway
assessment.

§ 48. If the highway assessment be payable in labor, the trustees shall cause a roll for the apportionment thereof to be made out and a copy thereof delivered to the street commissioner, with directions thereon subscribed by the president and clerk, to cause the same to be expended in highways and streets, in such district and manner, and otherwise, as may be directed by the trustees, under the provisions of this act.

§ 11. Section fifty-three to be made to read as follows:

When high-
way assess-
ment may
be payable
in money.

§ 53. A resolution may be adopted at any annual meeting, that the highway assessment shall be payable in money; and thereafter, in each year, until such resolution shall be rescinded, the trustees shall assess against every person liable to a poll tax in said village, except firemen, one dollar, and the residue of the money which they shall deem necessary, or which may be directed in accordance with section seventeen of this act, for the improvement of the highways for the current year, not exceeding the rate of fifteen cents upon every one hundred dollars of the valuation of property upon the assess-

ment roll, shall be assessed by them in the same manner as they are required by law to assess other taxes voted at such meeting. Such taxes for highway purposes shall be included in the same tax list with the general and special taxes, if any, and be enforced and collected in the same manner. The collector shall, from time to time, add to such lists the names of new inhabitants, and of any persons liable to be assessed, who may have been omitted, assessing against each the sum of one dollar, subject to an appeal to the trustees. The collector shall give to the street commissioner a list of all persons on his roll against whom a poll tax is assessed, but who are not assessed for real estate, and thereupon it shall be the duty of the street commissioner to cause the persons so assessed to pay the same, either in money or labor, at such rates as may be determined by the trustees.

§ 12. Section fifty-four to be amended so as to read as follows :

§ 54. Whenever any person or corporation, upon whose estate or property a tax or assessment shall be imposed or assessed in pursuance of this act, shall refuse or neglect to pay the same within the life of the warrant issued for the collection thereof, and there shall be no sufficient personal property of such person or corporation found within the limits of said village, whereof the same can be levied and collected, the collector or street commissioner holding such warrant shall make return thereof to the trustees, and such return shall be conclusive proof of the non-payment and of the want of personal property as aforesaid. The trustees are thereupon hereby authorized to cause the estate upon which such tax or assessment is imposed or assessed, or any part thereof, to be sold at public auction for a term of time, for the payment of such tax or assessment, giving six weeks' notice of such sale in a newspaper published in said village, and serving notice upon the owner of such estate, personally or at his residence, if he be a resident of said village, and if not a resident, then by publishing such notice six weeks, in two newspapers in said village, and the said estate shall be sold to the person who shall offer to take it for the shortest term for the payment of such tax or assessment and interest, and the expenses of the said publication, notice

Refusal or
neglect to
pay assess-
ment.

Auctions.

and sale, which shall be the same as provided by law in cases of foreclosure of mortgages by advertisement.

§ 13. Section fifty-nine to be made to read as follows:

Provisions
of certain
act, when
to apply.

§ 59. The provisions of the twenty-ninth section of the act entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts," passed May tenth, eighteen hundred and forty-five, shall only apply to the collector of said village, in the collection of taxes apportioned pursuant to section forty-six of the village charter. Under all other warrants issued to said collector, he shall collect interest from the date of the original warrant, at the rate of seven per cent upon all sums required thereby to be collected, when any warrant may have been renewed.

§ 14. Section thirty-one of the said act is hereby amended by adding thereto the following subdivision :

Auctions.

22. To adopt such ordinances regulating the sales at auction in said village, of goods belonging to persons not residing within the county of St. Lawrence, or which shall have been purchased by any resident of said county, with the intent to sell the same at auction, and providing for the granting of licenses for such sales, and prohibiting and preventing such sales without license, and may enforce such ordinances by the imposition and collection of penalties for the violation thereof, in the same manner as in other cases in which they are authorized to pass ordinances, and impose and collect penalties for their violation, by the act hereby amended. In case the said goods shall belong to, or shall be claimed to belong to, any resident of said county, such resident owner may be required to submit to an examination under oath before such magistrate residing in the village of Ogdensburgh, as may be designated by the president thereof, touching the intent with which such goods were purchased by him, and in case such owner shall refuse to submit to such examination, such goods shall be deemed and taken to be the property of a non-resident of said county, and subject to the conditions, liabilities and payments herein provided, and any person who shall swear falsely upon such examination, shall be deemed guilty of perjury. The said trustees may require the owners, or the auctioneer selling such goods, to pay over to the treasurer of said

of Ogdensburgh, a sum not exceeding ten per cent amount of such sales, and may make it a condition the granting of any such license, that such owner or auctioneer shall make a deposit of money, or give satisfactory security for such payments, or said trustees may make such charge or assessment upon the amount of such sales, or without requiring any license for such security for such payment as the condition of granting the same, and the said trustees may pass and make all necessary ordinances, to obtain from such owners and auctioneers all necessary accounts for such sums and to compel the payment of such sums as may be charged or assessed upon such sales, and may make and collect penalties for violation of such ordinances as in other cases in the said act provided. Said warrants may issue to the collector of said village, warrant for the collection of the sums so charged or assessed upon such sales, and the said collector shall have the same power to collect the amount specified in such warrants as in the case of warrants issued for the collection of taxes by the trustees of said village, and shall be entitled to the same fees for collection, and all moneys coming into the hands of said trustees, or collected by the collector of said village under this subdivision, shall be paid over to the treasurer of said village, to be applied to the payment of corporate charges, and to the payment of licenses chargeable upon the general fund of said

This act shall take effect immediately.

Chap. 257.

AN ACT to amend an act entitled "An act to incorporate the Fulton Fire Department," passed April sixteenth, eighteen hundred and fifty-seven.

Passed April 12, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1 amended

SECTION 1. The first section of the act entitled "An act to incorporate the Fulton Fire Department," passed April sixteenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

Amend-
ment, cor-
poration
created.

That all persons who now are or hereafter shall become members of the fire engine, hook and ladder and hose companies, not exceeding sixty members to each engine company, and forty members to each hook and ladder company, of the village of Fulton, Oswego county, who, after being duly elected by their respective companies, and confirmed by the board of trustees of said village, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name and style of Fulton Fire Department, and by that name they and their successors shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued in all courts and in all actions within the jurisdiction of the state of New York, and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors by the name of Fulton Fire Department, shall be in law capable of purchasing, holding and conveying any estate real or personal, for the use of said corporation ; provided the amount of real and personal estate so held shall not exceed at any time the sum of twenty thousand dollars.

§ 2 amended

§ 2. The second section of the same act is hereby amended so as to read as follows :

Amend-
ment, dele-
gates to
convention
to be chosen

The several fire engine and hook and ladder companies constituting this corporation, shall, at their regular meeting, to be held on the first Tuesday in April in each year, elect by ballot three delegates from each of their respec-

anies, to meet in convention at the council room
partment, on the Thursday following, at two
in the afternoon, and after choosing one of their
s chairman and another as secretary, shall select
y by ballot, suitable persons, electors in the vil-
ulton, for chief engineer and first and second
engineers, and the individuals receiving the
number of votes for those several offices shall be
dates to be recommended to the board of trus-
id village for their appointment.

The fifth section of the same act is hereby amended § 5 amend-
ed.

read as follows:

erent fire engine and hook and ladder compa-
at their regular meeting, to be held on the first
in April in each year, elect by ballot two of
nber to be known and designated as wardens,
electors in the village of Fulton, who, with the
ineer as president, and his assistants, according
rank, as vice-presidents, shall constitute a
and shall exercise such powers as are herein-
mitted to them, which appointment shall not
them from their other duties as firemen.

Chief
engineer.

Amend-
ment, war-
dens to be
elected.

The sixth section of the same act is hereby § 6 amend-
ed.

so as to read as follows:

id council shall meet on the third Tuesday in
each year, and choose out of their own body a
treasurer and collector; and the wardens who
heretofore appointed shall hold their respective
til others are appointed in their stead, agreeable
visions of this act; and in case of any vacancy
fice of warden, such vacancy shall be filled by
any in which it occurs, at a special election held
urpose; and in case of any vacancy occurring in
of secretary, treasurer or collector, such vacancy
filled by the council at their next meeting.

Secretary,
treasurer
and collec-
tor to be
chosen, &c.

The ninth section of the same act is hereby § 9 amend-
ed.

so as to read as follows:

remen constituting the several fire engine and
ladder companies of this corporation shall hold
meeting at the council room, or such other place
uncil may direct, on the first Friday following
Tuesday in April, of each and every year, at
lock in the afternoon, to hear the reports of the

Amend-
ment, gene-
ral meeting
to be held
annually.

secretary and treasurer, and to transact such other business as may be deemed for the interest of this corporation.

§ 6. This act shall take effect immediately.

Chap. 258.

AN ACT to amend an act entitled "An act to incorporate the village of Clyde, in the county of Wayne," passed May second, eighteen hundred and thirty-five.

Passed April 12, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 13 chap.
193, amend-
ed.

SECTION 1. The thirteenth section of chapter one hundred and ninety-three of the Laws of eighteen hundred and thirty-five, is hereby amended so as to read as follows:

Amend-
ment.

"The trustees may appoint such number of firemen or hook and ladder men, not exceeding in number, one hundred in the aggregate, as in their judgment the necessities of said village may require; such firemen or hook and ladder men to hold their places during the pleasure of said trustees. The firemen and hook and ladder men so appointed shall be exempt from service on juries in the courts of record, and in the village, and in the militia, except in case of war, insurrection or invasion."

Exemption.

§ 2. This act shall take effect immediately.

Chap. 259.

ACT authorizing the board of supervisors of county of Ontario, to lease a portion of the court-house in said county, to the United States, and to raise moneys by tax to pay for the court-house.

passed April 12, 1859; three-fifths being present.

People of the State of New York, represented in and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the county of is hereby authorized to lease to the United States portions of the new court-house in said county as agreed upon by said board and the United States. The said board of supervisor may raise by tax on taxable property of said county, a sum not exceeding thousand dollars in any one year, to pay the incurred in erecting said new court-house. This act shall take effect immediately.

Portions of new court-house may be leased.

Tax to be raised.

Chap. 260.

ACT to amend the act entitled "An act to consolidate and amend the act to incorporate the village of Watertown, passed April twenty-six, eighteen hundred and thirty-one, and the several amendatory thereto, and the act amending same," passed April fifteen, eighteen hundred and fifty-four.

passed April 12, 1859 ; three-fifths being present.

People of the State of New York, represented in and Assembly, do enact as follows :

SECTION 1. The president and trustees of the village of are hereby prohibited from incurring or any debt against the said village. unless they first so authorized by a majority of the taxpayers of the village, at a special meeting called for that purpose by said president and trustees by notice of

President and trustees not to create debt.

such meeting, to be given and published for the same time and in the same manner as is provided now by law for calling the annual meetings in said village, and the notice of such special meeting shall contain the precise object for which such special meeting is called.

Amount
authorized
to be raised.

§ 2. That no greater sum than five thousand two hundred dollars, in addition to the sum of one thousand dollars, authorized to be raised by the twenty-fourth section of the act entitled "An act to supply the village of Watertown with pure and wholesome water, and for other purposes," passed March twenty-second, eighteen hundred and fifty-three, shall be assessed and collected on property in said village, in any one year, for defraying the expenses of said village.

Highway
labor.

§ 3. That no greater number of days of highway labor shall be assessed in any one year, on the personal and real property in said village, than shall have been determined at the annual meeting next preceding the assessing said tax, by a majority of the taxpayers of said village attending said annual meeting.

Street com-
missioner to
be elected.

§ 4. That there shall hereafter, at each annual meeting of said village, be elected by a majority of the voters authorized to vote for the election of officers at said annual meeting, a street commissioner, who shall be a resident and freeholder of and in said village, whose duty it shall be to superintend the streets, highways and alleys in said village, and expend and disburse the highway money raised in said village under the instruction and direction of the board of trustees, in the construction and repair of said highways, streets and alleys, by paying for all necessary labor and materials or other things applied to the same, by his draft on the treasurer of said village, specifying in each draft the labor, materials or other things for which said draft is drawn. It shall also be his duty to collect in each year, from each of the male inhabitants, over the age of twenty-one years, in said village, excepting those who are now by law exempt from the payment of said tax, a poll tax of fifty cents, and which he shall expend in the same manner and for the same purpose as herein directed in relation to the highway labor. It shall also be his further duty to render under oath, to the president and trustees of said village, annually, on or before the first day of January, a just and

To collect
poll tax.

ount of the money received and expended by said street commissioner, and shall also, at the time, present to the said president and trustees, with, an estimate of the amount of highway labor in his opinion it is necessary to raise the next ensuing year and on the first Monday in each month report to the trustees his acts and doings as such commissioner, and the amount expended.

Before the annual tax list for said village is completed the president of said village shall furnish a copy of the determination of the annual meeting, in each year, to the assessors, to apportion the same among the persons on said tax list, at and after the rate of fifty cents per acre of land, and for the labor, in proportion to the property of each, and the amount of highway assessment roll, and the amount of highway assessment shall be collected at the same time and in the same manner, as the sum voted at the annual meeting, for the contingent expenses of said village.

Such highway tax shall be entered in a separate column in the tax roll delivered to the collector, and it shall be the duty to pay the moneys collected for highway tax to the treasurer of said village, and the said treasurer shall keep a separate account of the receipts and payments of said highway tax, and the said money shall not be used and applied for any other purpose than for the repairing and maintaining the streets and highways in said village.

The said treasurer shall only pay out the said money on draft to him on account of highway tax, on the draft of the street commissioner hereby authorized to be elected, after one shall be so elected, and have and as hereinafter provided.

Each street commissioner, elected as aforesaid, within ten days after his election, execute and deliver to the president a bond, with two sufficient sureties, to the amount of the penalty of \$1000, to the village of Watertown, conditioned for the faithful performance of his duties as such street commissioner, and to fully account for all moneys that shall come into his hands as such commissioner, which bond shall be subject to such penalty as said president may designate, not however, less than double the amount of highway

Apportionment.

Highway tax to be kept separate.

Money from highway tax.

Street commissioner to execute bond.

* So in original.

tax ordered to be raised at the immediate preceding annual meeting, nor more than treble that amount; the said bond and sureties to be approved by a majority of the board of trustees, and when so approved to be filed by the president with the treasurer of said village.

Refusal or neglect to execute bond, office to be deemed vacant.

§ 8. In case any street commissioner shall refuse or neglect to give the bond required in the next preceding section, and within the time therein specified, the office shall be deemed vacant, and in such case, or in case of a vacancy in said office for any other cause, another may be elected at a special meeting to be called for that purpose; and it shall be the duty of the president and trustees forthwith to call such meeting, giving notice of same as in relation to the annual meeting; and such meeting shall be presided over as the annual meeting, and the election at and result of said meeting be ascertained as at the annual meeting.

Report of street commissioner.

§ 9. It shall be the duty of the president, at every annual meeting, to present to said meeting the report of said street commissioner, and his estimate as to the amount of labor required, made and rendered in pursuance of the provisions of this act.

President and trustees to determine compensation of street commissioner.

§ 10. The president and trustees shall fix by resolution, previous to the first day of May, in each year, the sum such street commissioner shall be allowed to receive, out of said highway tax, as a reasonable and just compensation for his service during the year, to be paid in such proportion and at such times as said president and trustees shall by resolution specify, and such amount shall only be paid out of such highway tax. All acts and parts of acts, relating to the village of Watertown, inconsistent with or repugnant to the provisions of this act, are hereby repealed.

Chap. 261.

AN ACT in relation to rendering an account of their proceedings, by administrators, and in relation to claims against the estate of deceased persons.

Passed April 12, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Original section fifty-two of the third title of the sixth chapter of the second part of the Revised Statutes, is hereby amended so as to read as follows :

§ 52. An executor or administrator, after the expiration of eighteen months from the time of his appointment, may be required to render an account of his proceedings, by an order of the surrogate, to be granted upon application from some person having a demand against the personal estate of the deceased, either as creditor, legatee or next of kin ; or of some person on behalf of any minor having such claim ; or without such application ; and in the case of an administrator, upon the application of any person who is or has been his bail, or of the legal representatives of such person.

Surrogate may require executor or administrator to render an account of his proceedings

§ 2. Original section thirty-six of the said title, chapter, and part of the Revised Statutes, is hereby amended so as to read as follows :

§ 36. If the executor or administrator doubt the justice of any claim so presented, he may enter into an agreement, in writing, with the claimant, to refer the matter in controversy to three disinterested persons, or to a disinterested person, to be approved by the surrogate, and upon filing such agreement and approval of the surrogate in the office of the clerk of the supreme court in the county in which the parties, or either of them, reside, a rule shall be entered by such clerk, either in vacation or term, referring the matter in controversy to the person or persons so selected.

Chap. 262.

AN ACT to relieve municipal corporations from giving security on appeal, and to relieve them from payment of costs in certain cases.

Passed April 12, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Appeals
valid.

SECTION 1. All appeals by municipal corporations from the judgment or decree of any court of this state, shall be valid to stay proceedings on such judgment or decree, without security or undertaking being given, unless the court in which such judgment or decree is rendered shall otherwise direct; and in such case an undertaking executed in their official capacity, by either the mayor, comptroller or counsel to the corporation, in the name and on behalf of said corporation, shall be valid for purpose of such appeal, and shall bind said corporation to the performance of the conditions of said undertaking.

Claims to be
presented to
chief fiscal
officer, be-
fore they
can be
recovered.

§ 2. No costs, fees, disbursements or allowance shall be recovered or inserted in any judgment against municipal corporations, unless the claim upon which such judgment is founded shall have been presented for payment to the chief fiscal officer of said corporation, before the commencement of an action thereon.

§ 3. This act shall take effect immediately.

Chap. 263.

AN ACT to amend "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," passed June twenty-fourth, eighteen hundred and fifty-three.

Passed April 12, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act
amended.

SECTION 1. The nineteenth section of the act entitled "An act to provide for the incorporation of life and

health insurance companies, and in relation to agencies of such companies," passed June twenty-fourth, eighteen hundred and fifty-three, is hereby amended by adding thereto the following words: "And the said comptroller may also, from time to time, deliver up to such company or association, or its assigns, any portion of said securities, on being satisfied in manner and form aforesaid, or by any other competent proof, that all the debts and liabilities of every kind that are due or may become due, upon any contract or agreement made with any citizen of this state by said company or association, are less than one-half of the amount of the portion of said securities he shall still retain.

§ 2. This act shall take effect immediately.

Chap. 264.

AN ACT to amend the charter of New York Rubber Company.

Passed April 12, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. On filing in the county clerk's office of Dutchess county, a copy of the certificate of organization of said New York Rubber Company, and of the certificates increasing the capital thereof, now on file in the office of the clerk of the city and county of New York, the said company shall thenceforth be deemed and taken as a corporation formed in Dutchess county, as if said original certificates had been filed in that county, and not as a corporation organized in the city and county of New York.

Corporation removed to Dutchess county.

§ 2. The said company is authorized to alter its name and style to Wicapee Rubber and Belting Company, on filing a certificate of such alteration of its corporate name, with the clerk of Dutchess county, and in the office of the secretary of state.

Name changed.

§ 3. All acts or parts of acts inconsistent with this, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 265.

AN ACT to incorporate the Albany Mechanics' Institute.

Passed April 12, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Names of
corporators.

SECTION 1. That Horace L. Emery, James A. Gray, Rufus K. Viele, Amos C. James, William Hurst, Siberia Ott, James Burton, William V. Many, Franklin Townsend, George W. Emery, William P. Feltman, Archibald McClure, Jr., Theodore Townsend, George P. Jackson, George Dawson, Addison Lowe, Samuel D. Vose, Lewis F. Rathbone, George O. Merrifield, Elisha Grant, J. C. Henderson, William P. Boardman, Ralph P. Lathrop, William Dey Ermand, Samuel H. Ransom, Heber L. Godfrey, Charles Van Benthuyssen, John F. Winslow, Richard Merrifield, Morgan L. Filkins, Ira Jagger, Erastus Corning, Jr., John Rodgers, William B. Emery, James Schuyler, John G. Treadwell, William Headlam, Jr., John Ten Eyck, Jacob C. Cuyler, Edward B. Clarke, Jasper Van Wormer, William H. Taylor, Richard J. Grant, John N. Parker, Luther H. Tucker, Lyman J. Lloyd, John A. Goewey, John D. Parsons, Henry March, George C. Treadwell, Andrew Cunningham, James Blake, Augustus Pruyn, Simon P. Winne, Samuel W. Gibbs, Samuel J. Thompson, James Long, James Kingsbury, James H. Melick, James Coates, who have associated together in establishing an institution for advancing the best interest of mechanics, manufacturers and artisans, by the more general diffusion of useful knowledge among those important classes of community, together with such persons as may hereafter become members and contributors to the same, be and they hereby are created a body corporate and politic with perpetual succession, by the name and style of "The Albany Mechanics' Institute;" and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever; with full power to acquire, hold, possess, use, occupy and enjoy, by devise or other-

To hold and
sell real
estate.

wise, and the same to sell, convey and dispose of all such real or personal estate as shall be necessary and convenient for said institution or for the endowment thereof, or which may be conveyed to the same for security or in payment of any debt which may be due and owing to the same, or in satisfaction of any judgment at law, or any decree or order of a court of equity in their favor; and may make, have and use a common seal, and the same to break, alter, change and renew at pleasure; and may also, from time to time, ordain and establish and put in execution such by-laws, rules and regulations as shall be necessary and proper for the good government of said institution in the prudent and efficient management of its affairs.

SECTION 2. That the real and personal estate, property, funds, revenues and prudential concerns of "The Albany Mechanics' Institute," and the administration of its affairs, shall be under the direction, management and control of a board consisting of a president, vice-president, secretary and treasurer, and six directors, six of whom shall be required to form a quorum, and according to the provisions of any by-laws that may be adopted by the members and contributors thereof, this board shall be elected by ballot by a majority of members present, at such time and at such place in the city of Albany, and at such time of day as may be defined in said by-laws, which officers and directors shall be members and contributors of said institution. The president, vice-president, secretary and treasurer shall be elected for and hold their offices one year, and until their successors are chosen; the six directors shall be elected for and hold their offices, three years, excepting that with the first year the terms of two of the directors shall expire, and two others be elected for three years, and at the end of the second year the terms of two or more directors shall expire and two others be elected for three years, and the terms of service of the several directors shall be determined by lot at the first meeting of the association after the passage of this act. This board shall have power to appoint other officers, agents and committees as from time to time may be thought necessary, and prescribe their powers and duties and in all things pertaining to their offices and duties, and the said board shall have power to fill all vacancies which may occur among the officers and

Who to
manage and
control.

Terms of
office.

directors between the annual election of the institute, and until the vacancies are filled by or at any annual meeting for election of *offices of the institute.

Board of
managers.

SECTION 3. That Rufus K. Viele, president, James A. Gray, vice-president, John A. Goewey, secretary, Horace L. Emery, treasurer, and William Dey Ermand, Morgan L. Filkins, Ira Jagger, Samuel H. Ransom, John G. Treadwell and William Headlam, Jr., directors, be and are hereby appointed and constituted the first board of managers, who shall continue in office and perform the duties thereof until the next ensuing annual election, and until their successors shall be chosen, as provided for in this act.

Act to be
admitted as
evidence,
&c.

SECTION 4. This act shall be taken and received in all courts, and by all judges, magistrates and other public officers, as a public act; and all printed copies of the same which shall be printed by or under the authority of the senate and assembly, shall be admitted as good evidence thereof without any other proof whatever: Provided, that no by-law, rules or regulations thereof shall in anywise be contrary to the constitution and laws of this state or of the United States.

SECTION 5. This act shall take effect immediately.

Chap. 266.

AN ACT authorizing the Napanock and Denning Plankroad Company, to convey a part of their road to the Honk Falls Plankroad Company.

Passed April 12, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May sell
portion of
road.

SECTION 1. The Napanock and Denning Plankroad Company are hereby authorized to sell and convey by deed, under seal of said company, so much of their plankroad as lies easterly of the forks of the road west of the house of John H. Decker, in the town of Wawarsing, and between that point and the termination of said road, at the Delaware and Hudson canals, being a distance of

* So in original.

about two and a half miles to the Honk Falls Plankroad Company, upon such terms as may be agreed upon between and by such companies respectively.

SECTION 2. The said Honk Falls Plankroad Company, when the said road shall be duly conveyed to them, are hereby authorized to hold the same, and shall be entitled to all the rights and privileges of plankroad companies under and by virtue of the act entitled "An act to provide for the incorporation of companies to construct plankroads," passed May seventh, eighteen hundred and forty-seven, and the several acts amending the same, and shall be subject to all duties and liabilities imposed by those acts, and the Napanock and Denning Plankroad Company thereafter be forever discharged therefrom.

Rights and
privileges
transferred.

SECTION 3. The said Honk Falls Plankroad Company shall have the right to, and it shall be lawful for them to charge the same tolls upon said road as if the same were three full miles in length.

Right to
charge tolls

SECTION 4. This act shall take effect immediately.

Chap. 267.

AN ACT relative to the law department of the University of Albany.

Passed April 12, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second section of an act entitled "An act to incorporate the University of Albany," passed April seventeenth, eighteen hundred and fifty-one, is amended as follows:

The trustees of the University of Albany shall be limited to the following named persons, viz.: Ira Harris, Alden March, Amasa J. Parker, James H. Armsby, Robert H. Pruyn, John F. Rathbone, Thomas W. Olcott, James Goold, Orlando Meads, Charles B. Lansing, Thomas McElroy, Henry Q. Hawley, Henry H. Van Dyck, William H. De Witt and Luther Tucker, with power to fill any vacancy in their board, and a majority of whom shall constitute a quorum for the transaction of business.

Trustees.

56
701
112
2201

Faculty to
be consti-
tuted a
committee.

Diploma.

SECTION 2. The faculty of the law department of the University of Albany are hereby constituted a committee, upon whose examination and recommendation, as evidenced by their diploma, any graduate of said law department shall be admitted to practice as attorney and counselor at law in all the courts of this state. No diploma shall be sufficient for such admission which is given for any period of attendance upon said law school, for a less time than three terms, of twelve weeks each.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect immediately.

Chap. 268.

AN ACT to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisborough, in the county of Westchester.

Passed April 12, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Revised
Statutes
amended.

SECTION 1. Section seventy-five, article fourth of title one, chapter sixteen (fifth edition) of the first part of the Revised Statutes, in its application to the towns of North Castle, Bedford and Lewisborough, in the county of Westchester, is amended so as to read as follows :

Notice to be
served on
town clerk,
and justice
of peace and
one assess-
sor.

In all cases of the alteration of any road, or the laying out of any new roads in said towns, the person applying for the same shall serve a notice on the town clerk of the town, and on a justice of the peace and one of the assessors thereof, asking for a jury to certify to the necessity of the same, and specifying a time, not less than ten nor more than twenty days from the time of serving such notice, when such jury will be drawn at the clerk's office of the town, by the town clerk thereof.

Jury to be
drawn.

The names
of all per-
sons, resi-
dents of
town, to be
deposited in
box.

SECTION 2. At the time and place mentioned, the town clerk of such town having received such notice that such jury is to be drawn, shall, in the presence of a justice of the peace or one of the assessors of the town, deposit in

a box the names of all persons then residents of his town, whose names are on the list filed in said town clerk's office, of those selected and returned as jurors, pursuant to article second, title four, chapter seventh, part third of the Revised Statutes, who are not interested in the lands through which such road is to pass or located, nor of kin to the owner thereof, and shall publicly, in the presence of said justice of the peace or assessor, draw therefrom the names of twenty-four persons, who shall be freeholders of the town, and shall make a certificate of such names and the purposes for which they were drawn, and shall deliver the same to the person asking for the jury; and the applicant for such road shall pay to the said town clerk, one dollar for drawing such jury.

Twenty-four to be drawn.

SECTION 3. The applicant for such road or alteration of a road, on receiving such certificate, shall deliver the same to a justice of the peace of the town wherein the road is to be laid, and it shall be the duty of such justice forthwith to issue a summons to one of the constables of such town, directing him to summons the persons named in said certificate, and shall specify a time and place in said summons, which shall be the time and place mentioned in the notice, at which the persons to be summoned shall meet, which shall be not less than ten nor more than twenty days from the issuing thereof; and if any person so summoned to attend as a juror, shall neglect or refuse to attend, at the time and place designated in said summons, the person or persons so neglecting or refusing to attend shall be liable to pay a fine of five dollars, to be sued for and recovered by the overseers of the poor of said town, and such fine shall be applied by them to the support of the poor of such town.

Constable to summons persons named in certificate.

Penalty for neglect or refusal to attend.

SECTION 4. If twelve or more of the persons whose names have been so drawn, shall appear at the time and place specified in the summons, they shall then be sworn by the justice of the peace who issued said summons, well and truly to examine and certify in regard to the necessity and propriety of the highway applied for, and if said justice of the peace shall refuse or neglect to attend at the time and place mentioned in said summons, such oath may be administered to such jurors by any other justice of the peace of said county; and the justice

To be sworn by justice of peace.

Compensation of justice.

of the peace swearing such jury, shall receive therefor, from such applicant, two dollars.

SECTION 5. Section seventy-six of the said article, title, chapter and part, in its application as aforesaid, is so amended as to read as follows:

Route to be personally examined. Certificate to be made.

They shall then personally examine the route of such highway, and shall hear any reasons that may be offered for or against such proposed road or alteration. If twelve or more of the number thereof shall be of the opinion that such highway or alteration of a highway, is necessary and proper, they shall make and subscribe a certificate, in writing, to that effect, which shall be delivered to the commissioners of highways of the town; but if there should not be a sufficient number thereof to certify that such road or alteration is necessary, then no application for such road or alteration shall be made again in two years.

Compensation of justice of the peace.

SECTION 6. Any justice of the peace to whom the certificate of the town clerk shall be delivered, shall be entitled to receive for his services as such juror, the sum of fifty cents, to be paid by such applicant; and the constable who may summon such jury, shall receive from such applicant, therefor, ten cents for summoning each juror so summoned, and ten cents a mile for each and every mile actually and necessarily traveled in summoning such jury, in going from and returning to his place of residence therefor.

Fees, how to be charged in case highway is declared to be necessary.

SECTION 7. If twelve of such freeholders shall make a certificate that such highway is necessary and proper, then the fees of officers and jurors, paid by such applicant, shall be a charge against such town, in favor of such applicant.

SECTION 8. This act shall take effect immediately.

Chap. 269.

AN AOT to promote the public health in the town of New Utrecht, in the county of Kings.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. At any time within one year after the passage of this act, on the application of five or more freeholders of the town of New Utrecht, in the county of Kings, of the time and place of which application ten days' notice shall be given, by publication in two daily newspapers published in said county, the supreme court shall appoint three respectable and disinterested inhabitants and freeholders of the said county of Kings, commissioners for the purpose of carrying out the provisions of this act.

Commissioners to be appointed.

§ 2. The said commissioners when duly qualified, as hereinafter provided, shall have power, and it shall be their duty, to drain or wall up, to fill or make wells or cesspools in all the ponds or pools, all the swamp or marsh land, and all the land covered by standing or stagnant water in that part of the said town of New Utrecht, in the county of Kings, described as follows: Commencing at the point on the bay or river where the boundary line between said town and the city of Brooklyn intersects the same, and running thence southeasterly along said boundary line to the most southerly point or angle of said city; thence northeasterly along the boundary line between the said city of Brooklyn and the said town of New Utrecht, to the Brooklyn, Greenwood and Bath plankroad; thence southerly along said plankroad to the point where the northeast corner of the lands of Robert B. Lefferts intersects the same; thence southwesterly in a direct line to the northeast corner of lands owned by George Van Brunt; thence southwesterly along the division line between lands owned by George Van Brunt and Robert B. Lefferts, to a point where said division line intersects the road leading to the village of New Utrecht; thence in a southeasterly direction along said last mentioned road to the road between the lands now or late of

Powers and duty of commissioners.

Boundaries.

John C. Bennett and Barent Wyckoff, commonly known as Bennett's lane, and leading to the bay; thence southwesterly along said last mentioned road to the bay; thence following the shores of the bay and river in a westerly and northerly direction to the place of beginning, excepting and reserving thereout that certain plat of land owned by the said Robert B. Lefferts, and containing about twenty-five acres lying on the southerly side of said road leading to the village of New Utrecht, and being between the road commonly called Bennett's lane and lands now or late of — Waters.

§ 3. The said commissioners shall, within twenty days after their appointment, take an oath faithfully to discharge the duties of their office before any magistrate authorized to perform the duties of a justice of the peace, and they shall file the same in the office of the clerk of the county of Kings; and they shall also, within the time aforesaid, each execute a bond, with sureties, to the people of the state of New York, in the sum of five thousand dollars, conditioned for the just and faithful performance of the duties of their said office, and file the same as aforesaid, and on the filing of said oath and bond the said commissioners shall be authorized to enter upon the discharge of their functions as herein defined and prescribed. Any person aggrieved by any act or omission of the said commissioners, shall, upon leave being granted by the supreme court of the district where the commissioners reside, have power to prosecute the said bonds with like effect and in like manner as is provided by law in regard to the official bonds of sheriffs.

Persons aggrieved have power to prosecute

Powers of commissioners.

§ 4. The said commissioners, or a majority of their number, shall have power to discharge all the duties and exercise all the authority devolved and conferred hereby on the said commissioners, and if any one or more of the said commissioners shall refuse or neglect, or omit to take the oath and execute the bond aforesaid, or to execute the duties of the said office, or shall die, resign, or become a non-resident of the county of Kings, the supreme court shall, upon the application of any party interested, have power to fill the vacancy so created.

Supreme court to fill vacancy.

When qualified, commissioners may proceed to

§ 5. The said commissioners shall, as soon as they have qualified themselves to act as aforesaid, proceed to make a survey and map of the district so described as aforesaid,

employing competent surveyors and assistants for that purpose, showing the ponds and pools, marsh and swamp lands therein situated and contained, which are so to be improved as aforesaid, and also showing the respective owners of all the lands in the said district, which map, on the completion of their labors, they shall file in the office of the town clerk of said town, and shall also make a just and true estimate of the expense of the said improvements, including therein all fees, costs, charges and disbursements of every nature and kind whatever, incurred by and accruing to the said commissioners under this act, in which estimate shall also be included all damages, if any, done to any of the owners aforesaid, of the lands aforesaid, by taking any property to make any of the improvements aforesaid; and the said commissioners shall also make a just and true assessment of the total expense of the said improvements on the respective lands in the said district so described as aforesaid, assessing the same in such manner and proportion as shall be just and equitable in proportion to the benefits to be derived from the improvements aforesaid. In making up these said estimate and assessment the said commissioners shall hear such witnesses as may be offered before them, and shall administer to such witnesses the necessary oaths and affirmations.

§ 6. The estimate of expense and the assessment thereof as aforesaid, shall be filed in the office of the clerk of the town of New Utrecht within ten days after the same is made and signed by the commissioners, for the examination of parties interested therein, and the commissioners shall give notice by affixing the same in six public places in the said town of New Utrecht, that they will, on a day and place to be designated therein, not less than ten days afterwards, present the said report to the supreme court for confirmation. Any party conceiving himself aggrieved by the said estimate or assessment, may be heard on the confirmation of the said report, and the said court may, if they see fit, send back the said estimate or assessment for review, in which case the said commissioners shall proceed to review the said estimate and assessment, and shall present the same for confirmation again, in like manner as herein above provided for. If there

make survey and map, and employ competent surveyors.

Estimate of expense to be made.

Assessment

Estimate of expenses and assessments to be filed.

Notice to be given.

Parties aggrieved to be heard.

shall appear no valid objection to the said estimate and assessment, the same shall be confirmed by the said court.

Commissioners to make improvements by contract or day's work, for cash or on credit.

§ 7. The said commissioners, as soon as the said estimate and assessment has been confirmed, or as soon thereafter as practicable, shall proceed to make the improvements aforesaid, within the district aforesaid, by contract or day's work, for cash or on credit, as they shall be advised, having reference to the best interests of the said district, and the owners of the property comprised therein, and shall have power to take all the necessary steps for that purpose.

To enter on other persons land, &c.

§ 8. Whenever, in making the improvements aforesaid, it shall be, in the judgment of the said commissioners, necessary to enter on land belonging to other persons than the proprietors, within said district, of the ponds or lands to be drained, walled up, welled, filled in or otherwise improved as aforesaid, for the purpose of taking earth or opening drains or otherwise effecting the improvements aforesaid, the said commissioners shall have power so to do; and the said commissioners shall estimate and assess the damages that may be sustained as aforesaid, by reason of the entry so to be made, as aforesaid and shall add to and include in the estimate of expense aforesaid, the amount of damage so fixed and determined by them as aforesaid, which damage is to be paid.

Damages to be assessed.

Power to borrow money.

§ 9. The said commissioners shall have power, and are authorized, from time to time, to borrow money to pay the expenses necessarily incurred in the progress of the work aforesaid, and the interest thereon shall be included in the aforesaid estimate of expenses.

Second estimate to be made, if the first is not sufficient.

§ 10. If the expenses of the improvements aforesaid shall overrun the estimate aforesaid, and if the assessment so made, as aforesaid, shall prove insufficient to pay the necessary cost of the said improvements, it shall be lawful for the said commissioners, and it shall be their duty, to make a second estimate and assessment in the same manner as the first, and subject to all the provisions aforesaid.

Warrants to be issued for payment in sixty days.

§ 11. The said commissioners are hereby authorized to issue a warrant to the collector of the town of New Utrecht, in the form that warrants of the board of supervisors are made out, and directing the moneys mentioned

in the assessment aforesaid, to be paid to the commissioners within sixty days after the same shall be delivered to the collector, and the said collector is required to collect said assessments in the same manner as other town taxes, and shall have all the powers now conferred by law for that purpose; said collector shall attend at some public place in the district so described as aforesaid, for three successive days, within the first twenty days after he shall receive his said warrant, of which he shall give at least six days' notice by posting the same in at least six public places in said district, that he will receive the several amounts specified in said assessment, less four per cent interest for prompt payment. In case said assessments are not paid to the collector at the time so fixed, he shall not be bound to deduct anything from said assessments. At the expiration of said twenty days, the collector shall pay all moneys received by him to said commissioners, less one per cent, which he may retain for fees; and at the expiration of sixty days, he shall make return of all the balance of the moneys received by him to said commissioners, less his fees of five per cent, and he shall make out and verify his return as he is now obliged by law to make his return to the county treasurer of county taxes. The said commissioners shall file such return in the office of the clerk of Kings county, and the same shall be a lien on the land assessed, and have the effect of a judgment. The county clerk may at any time within thirty days thereafter, receive the amount of any tax or assessment, with the addition of twenty-five cents for filing the same, and shall pay the same to said commissioners; and his certificate that any tax is paid, shall discharge the same and the lien thereof. In case the said assessments so returned to the county clerk, or any of them, shall remain unpaid at the expiration of the said thirty days, the supervisor of the town of New Utrecht shall give not less than thirty days' notice, by affixing written notice thereof in six public places in the district aforesaid, that at the time and place specified in said notice, he will lease, at public auction, the lands on which such assessments remain unpaid, for the lowest term of years for which any person will take the same and pay the amount of such tax, with the interest, at ten per cent, from the time same was returned by the said collector. The

Collector to attend for three days, and to give six days' notice.

To pay over to commissioners.

Return to be filed.

County clerk may receive any tax or assessment within thirty days.

Proceedings in case assessments are not paid in thirty days.

supervisor shall give the certificates of such purchase to the purchaser, who shall become entitled to a conveyance or lease thereof from the supervisor, unless the said lands are redeemed within two years from the time of sale or lease, by the payment to the purchaser or supervisor, for his use, of the sum paid by said purchaser, with interest at the rate of ten per cent per annum. The amount received by the supervisor from such purchaser on the sale of said land, shall be paid, immediately after its receipt, to the said commissioners, who shall pay any balance that may remain in their hands, after paying for all expenses, including their own fees, as authorized by this act, to the commissioners of highways of said town, to be used in keeping in repair the improvements authorized by the provisions of this act.

Commissioners of highways to be notified.

§ 12. As fast and as soon as the improvements aforesaid are respectively completed, it shall be the duty of the commissioners aforesaid to notify the commissioners of highways of the town of New Utrecht of the completion thereof; and thereupon and thereafter all the said improvements, including the present drain of the Dyker meadows, from the time of their respective completion, so far as they require any preservation or care to keep them in order, shall be in charge of the said commissioners of highways, and shall be kept in order by a general tax and charge on the property of the said town of New Utrecht. Any person who shall willfully fill up or otherwise obstruct any drains made under this act, or otherwise injure any of the improvements aforesaid, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, in the discretion of the court before which such conviction shall be had; and the commissioners of highways, of the town of New Utrecht, are authorized and required to remove any obstructions which shall be made on any such drain, or to any of the improvements aforesaid, and may sue for and recover, in their official character, from any person or persons causing such obstructions or doing such injury, the expense which they shall have incurred in the removal or repair thereof, together with costs of suit.

Misdemeanor to fill up or obstruct.

Collector to give bond.

§ 13. The said commissioners are hereby authorized to require from the collector of the said town of New Utrecht, on the delivery to him of the warrant and

assessment referred to in this act, a bond in the penal sum of double the amount of said assessments, conditioned for the faithful performance of his trust; and in case said collector neglects or refuses, within five days after notice, to give such bond, said commissioners may appoint some other person in his stead, who, for the purposes of this act, shall be subject to the same liabilities and possess the same powers as said collector.

§ 14. The said commissioners shall each be allowed two dollars a day for every day actually employed in carrying out the provisions of this act; but such daily compensation shall in no case exceed the sum of one hundred dollars for each of the said commissioners.

Compensation of commissioners.

§ 15. This act shall take effect immediately.

Chap. 270.

AN ACT to incorporate the New York Preparatory School of Medicine.

Passed April 13, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Anthon, Thomas Gallaudet, John O. Bronson, Charles A. Budd, Godfrey Aigner, Bern L. Budd, Charles K. Briddon, George Thurbee, John H. Anthon, George A. Quimby, their associates and successors, are hereby constituted to* body corporate under the name of the New York Preparatory School of Medicine, to be located in the city of New York, having for its object, preliminary instruction in medicine, surgery and the collateral sciences, with power to take, hold and convey such real and personal estate as shall be necessary for the purposes of its incorporation.

Corporation created

§ 2. The said John Anthon, Thomas Gallaudet, John O. Bronson, Charles A. Budd, Godfrey Aigner, Bern L. Budd, Charles K. Briddon, George Thurbee, John H. Anthon and George A. Quimby are hereby constituted and appointed trustees of the said corporation, with power to fill vacancies in their body, and with full

Trustees.

* So in original.

power to appoint instructors and regulate the affairs of the corporation. The said board of trustees shall consist of not less than ten or more than twenty members.

Powers of trustees.

§ 3. The trustees of the corporation hereby created, shall have power to confer the degree of bachelor of medicine, but shall state in the diploma conferring such degree, that said degree does not entitle the holder to any right or privilege belonging to the degree of doctor of medicine. No person, however, shall receive such degree, save he be a man of good moral character, having received a good English education, and attended two full courses of medical instruction, the last of which shall have been in said school; nor shall he receive said degree, unless he shall have attained the age of nineteen years, and satisfied the medical instructors thereof, by a public examination, of his competency.

Subject to visitation of regents.

§ 4. The corporation hereby created, shall be subject to the visitation of the regents of the university, and shall report annually to them.

§ 5. The corporation hereby created, shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 6. The legislature may at any time alter, amend or repeal this law.

§ 7. This act shall take effect immediately.

Chap. 271.

AN ACT to submit to the people a law authorizing a loan of two million, five hundred thousand dollars, to provide for the payment of the floating debt of the state.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May borrow \$2,500,000 at six per cent per annum.

SECTION 1. The commissioners of the canal fund are hereby authorized to borrow on the credit of the state two million, five hundred thousand dollars, at a rate not exceeding six per cent per annum, and reimbursable at

such periods as shall be determined by the said commissioners, not exceeding eighteen years from the time of making such loan. All the provisions of law in relation to loans made by commissioners of the canal fund, and the issue and transfer of certificates of stock, shall apply to loans authorized by this act, so far as the same are applicable.

§ 2. The moneys realized by such loan shall be applied exclusively to the payment of claims against the state not otherwise provided for, for work done on the canals of the state, and for private property appropriated by the state for the use of such canals, and for injury to private property growing out of the construction of the canals, or to the payment of the principal and interest of such loan, and for no other purpose whatever.

Moneys,
how applied

§ 3. Two million, five hundred thousand dollars is hereby appropriated, to be paid out of the treasury, on the warrant of the auditor of the canal department, from the said moneys, within two years from the time when this act shall take effect, for the payment of claims against the state, specified in the last preceding section, and for the payment of the interest on the loan authorized by this act, which shall become payable prior to the receipt into the treasury of the first annual tax, hereinafter directed to be levied and collected, for the payment of the interest and principal of the loans authorized by this act; but any sum applied to pay interest as aforesaid, may be refunded out of the proceeds of the said taxes when received into the treasury.

Appropriation.

§ 4. An annual tax is hereby imposed, and shall be levied and collected in the same manner as other state taxes are levied and collected, sufficient to pay the interest and redeem the principal of the loan hereby authorized, within eighteen years from the time of the contracting thereof. The comptroller shall ascertain and determine what sum, being applied in payment of principal and interest, in the first year after the tax can be collected as aforesaid, and in each succeeding year thereafter, within the period of eighteen years from the time of contracting said loan, will be sufficient to pay the interest and redeem the principal of said loan within said period of eighteen years; and shall in each year apportion the sum so required among the several counties

Annual tax.

of this state, according to the then last corrected assessment rolls returned to his office, and shall give notice of such apportionment to the boards of supervisors of the respective counties. It shall be the duty of the boards of supervisors of the respective counties to cause the amount so apportioned in each year to be levied, collected and paid to the treasurer of this state, in the same manner as other state taxes. The money collected and paid into the treasury under this section shall constitute a sinking fund to pay the interest and redeem the principal of the loan contracted pursuant to this act, and shall be sacredly applied to that purpose; and if, at any time, the sinking fund shall be insufficient to comply with the requirements of this section, the comptroller shall increase the sum thereafter to be levied and collected by tax in each year, so as to make the fund adequate for the purpose aforesaid.

§ 4 may be repealed.

§ 5. The fourth section of this act, imposing a tax, may be repealed whenever the revenues of the canals, after meeting all present constitutional charges upon them, shall amount to enough to form a sinking fund sufficient to pay the interest and redeem the principal of all loans within the eighteen years mentioned in the first section of this act.

To be submitted to people at next general election.
Ballots.

§ 6. This act shall be submitted to the people of this state, at the next general election, and the votes given for its adoption shall be indorsed "constitutional loan," and shall be in the following form: "For a loan of two million, five hundred thousand dollars, to pay the floating debt of the state," and "against a loan of two million, five hundred thousand dollars to pay the floating debt of the state." The inspectors of the several election districts in this state, shall provide a separate box, in which the ballots given in pursuance of this act shall be deposited. The ballots shall be canvassed and returned, and the result shall be determined and certified in the same manner as votes given for the office of governor of this state. If a majority of the votes cast, pursuant to this act, shall be "for a loan of two million, five hundred thousand dollars to pay the floating debt of the state," then the preceding sections of this act shall take effect; but if a majority of the votes so cast, shall be "against a loan of two million, five hundred thousand dollars to pay the float-

Separate box to be provided.

ing debt of the state," then the said sections shall not take effect, but shall be inoperative.

Chap. 272.

AN ACT to amend the charter of the Arctic Fire Insurance Company.

Passed April 13, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the Arctic Fire Insurance Company in the city of New York, an incorporated institution, formed pursuant to the provisions of the act entitled "An act to provide for the incorporation of insurance companies," passed June twenty-fifth, eighteen hundred and fifty-three, by charter filed in the office of the secretary of state, on the twenty-eighth day of July, eighteen hundred and fifty-three, to reduce the number of directors of said corporation to twenty-five, a majority of whom shall be citizens of this state, such reduction to be made from time to time, as the terms of the directors shall cease, or either of them shall be disqualified to act as directors, according to the terms of the charter of said incorporation. And it shall also be lawful for the said corporation, with such reduced number of directors, to transact the business of said corporation, as specified and enumerated in the said charter.

Number of
directors
reduced.

§ 2. This act shall take effect immediately.

Chap. 273.

AN ACT to provide for the completion of the state arsenal in the city of New York, and for the settlement of the controversy as to the cause of the fall thereof.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation of \$30,000.

SECTION 1. The sum of thirty thousand dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated, which shall be paid by the treasurer, upon the warrant of the comptroller, as hereinafter provided, for the rebuilding and completion of the state arsenal in the city of New York, under the direction of the adjutant-general, the inspector-general, and the commissary-general of the state, as commissioners, whose duties shall be the same with reference thereto as is provided by them to be performed for other objects by the act entitled "An act to authorize the sale of the state arsenals in New York and Albany, to provide for the purchase of the New York arsenal property in New York, by the city of New York, and for the appropriation of the proceeds of such sale," passed April fifteenth, eighteen hundred and fifty-seven. The commissioners shall proceed without delay to cause the said arsenal to be rebuilt and finished according to such plans and designs as they may approve, and in such manner and by the employment of such workmen as in their judgment the circumstances of the case may require; but the entire cost of such rebuilding and the completion of said arsenal shall not exceed the said sum of thirty thousand dollars.

Commissioners to file certificate.

§ 2. Before the issuing of the warrant upon the treasurer, as provided in the first section of this act, the said commissioners shall make and file with the comptroller their certificate, signed by each of said commissioners, stating that the appropriation so asked and to be drawn for is actually due for the purposes in said certificate particularly mentioned and set forth, unless the same has accrued upon some contract in writing, in which case the certificate shall state that upon said contract, describing

the same, the amount asked for is actually due according to the terms thereof at the date of said certificate, and the said certificate shall thereupon, by the comptroller, be attached to the duplicates of such contract required by this act to be filed in his office; and after, or should the comptroller so require, at any time before the labor of said commissioners shall have been completed, according to the true intent and meaning of this act, said commissioners shall file with the comptroller all vouchers and receipts taken by them in the performance of their duties.

Vouchers to be filed.

§ 3. The said commissioners shall file in the office of the comptroller, certified copies of all contracts entered into by them for work and materials, and shall present to the comptroller, on the last day of each month, an abstract of their expenditures during the preceding month.

Certified copies of contracts to be filed.

§ 4. The said commissioners shall receive no compensation for their services as such commissioners, but shall be allowed and paid by the treasurer, on the certificate of the commander-in-chief, the actual necessary expenses incurred by them in the duties of their commission.

No compensation other than necessary expenses allowed.

§ 5. Thomas Nelson of the county of Westchester, counselor at law, or in case of his declination, death or other vacancy, then such person as the governor shall appoint, is hereby appointed referee to hear and determine the matters in difference between the people of this state and Richard Calrow, Junior, in respect to the cause of the fall of and damage to the state arsenal in the city of New York, for the erection of which the said Richard Calrow, Junior, was contractor. The said referee shall proceed in the same manner as referees in actions at law, and shall have power to compel the attendance of witnesses, to swear and examine the same, and shall, by his report, find and certify what sum, if any, is due to the people of this state by the said Richard Calrow, Junior, by reason of any failure on his part to comply with the terms and conditions of the contract, plans and specifications for the erection of said arsenal, and the furnishing of the materials therefor, if such fall or damage shall have been the result of any such failure on his part; or if any one employed by him, or of a contractor under him, or of any one for whose acts he is responsible; and if it shall not

Referee.

How to proceed.

have been the result of such failure, then what sum, if any, is due to said Richard Calrow on account of such contract, or for work and materials furnished by him under the same, or for the erection of said arsenal, or by reason of the damage or destruction of any material or property of said Calrow occasioned by such fall; and the said report of said referee shall be made in duplicate, and subscribed by him, and one of said reports shall be filed in the office of the county clerk of the county of New York, and the other with the comptroller of the state.

Who to at-
tend the
hearing.

Witnesses
to be exa-
mined

§ 6. The attorney-general and the commissioners named in the first section of this act, or one of them, shall attend the hearing before said referee, and shall cause to be produced and examined the necessary witnesses on the part of the state, and cross-examine the witnesses on the part of said Calrow; to the end that the interests of the state may be fully protected upon such hearing and determination. The fees of such referee shall be five dollars per day, and with all other costs and expenses of such reference, in the whole not to exceed the sum of five hundred dollars, shall be paid by the party against whom judgment shall be rendered by said report. In case the report shall be against the state, the same shall be paid by the treasurer, on the warrant of the comptroller, out of any moneys hereby appropriated.

May appeal.

§ 7. The attorney-general, on behalf of the state, or the said Richard Calrow, Jr., or either of his sureties, may appeal to the general term of the supreme court of the first judicial district, from such report, in the same manner as from a judgment of the special term in said district, and no undertaking or surety shall be necessary on the part of the state upon such appeal. The said supreme court shall have the same powers and jurisdiction upon such appeal as upon an appeal from a judgment at special term.

Judgment
to be en-
tered
against
Richard
Calrow, Jr.,
in case re-
port shall be
in favor of
state.

§ 8. In case the said report shall be in favor of the state, and shall find that the fall or damage to said arsenal was caused by any failure of said Calrow to comply with his said contract, the report shall state the amount of damage thereby caused to the state, and judgment may and shall be entered thereon in the supreme court against said Calrow in the same manner as on a report of a referee appointed in an action in said court; and in case the said report

in favor of said Calrow, and shall find any sum to be due to him, then the comptroller is and directed, after the lapse of thirty days filing of such report in his office, to draw his upon the treasurer for the payment of such sum on said Calrow, out of any moneys in the treasury lawfully appropriated, and the sum of twenty thousand dollars is hereby appropriated for such purpose, but notwithstanding to the provisions of the next section.

Within such thirty days proof under oath shall be made to the comptroller that an action has been brought by some person or persons, in some court of competent jurisdiction to try the same, against the said Calrow, for the recovery of money due for materials furnished for or upon said arsenal, in such action the comptroller shall retain the amount shown to be due to the complainant in any complaint in such action, and shall not pay the same to said Calrow, except upon the consent of the person or persons in whose action is brought, until final judgment shall be rendered in said action, and then he shall pay the same to the person in whose favor judgment is so rendered; and also, that if the said attorney-general shall appeal from such report to the supreme court, the said moneys shall not be paid until the termination of said appeal in favor of said Calrow, only to the amount finally adjudged to be due on such appeal.

The first, second, third and fourth sections of this act shall take effect immediately, but the residue of this act, except this section, shall not take effect until after the death of said Charles Calrow, Junior, shall stipulate in writing, under seal, to the satisfaction of the attorney-general, that he assents to all the provisions of this act.

Comptroller to retain amount shown to be due.

Proviso.

When to take effect.

Chap. 274.

AN ACT to incorporate the Corpus Christi Ship Channel Company.

Passed April 13, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Name of
corporators

SECTION 1. Dean S. Howard, Somers Kinney, Daniel E. Watrous, John C. Riddle and Hiram D. Faulkner, and their associates, and all other persons who may be owners of the stock hereinafter named, are hereby declared a body corporate, in fact and in law, by the name of the Corpus Christi Ship Channel Company, by which name it shall have succession, with power to sue and be sued, complain and defend, in any court of law or equity, and so remain and continue a body corporate until the eleventh day of February, nineteen hundred and four, for the purpose of excavating, constructing and using, in conformity with the laws of the state of Texas and such other states as the said improvement may pass through, a ship channel, through the mud flats between Aransas and Corpus Christi bays, in the state of Texas, and extending said channel to such other place or places as the said corporation may deem proper, and for this purpose all the necessary and incidental power is hereby granted to said corporation. Said corporation may have and use a common seal; may purchase, hold or receive donations of real estate, and sell and convey the same.

Capital
stock may
be increased
how divided

§ 2. The capital stock of said corporation shall be six hundred thousand dollars, with liberty to increase the same to a sum not exceeding two millions of dollars. Said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct. The said corporation may commence business as soon as one hundred thousand dollars of the said stock shall be subscribed, and ten per cent actually paid in.

Bonds may
be issued to
the extent
of \$200,000.

§ 3. The said corporation shall have power to issue and dispose of their bonds to the extent of two hundred thousand dollars, with interest warrants or coupons

attached thereto, to be predicated upon the land grant made by act of the legislature of the state of Texas, entitled "An act to donate lands to certain persons therein mentioned, for an improvement of the channel between Corpus Christi and Aransas Pass," approved August twenty-second, eighteen hundred and fifty-six, and also such other real estate as said corporation may possess at the time such bonds shall be issued; and also the ship channel between Aransas and Corpus Christi bays, and the revenues resulting therefrom; also the bonds issued by the city of Corpus Christi, to pay for the construction of said ship channel, and all the rights, property or franchises which, at the time of the issue of said bonds, said corporation may possess; and for that purpose the said corporation may convey, in such manner as the board of directors may deem advisable, in legal form, all such property, rights, revenues and franchises, to a trustee or trustees, to be named in the resolution of the board of directors, directing the issue of such bonds. The bonds and interest warrants to be in such form and to run such length of time, not beyond the eleventh day of February, nineteen hundred and four, as said board of directors may designate by resolution.

§ 4. The corporators named in the first section of this act shall be commissioners to receive subscriptions for such capital stock, at such times and place as they shall appoint; and if the whole capital stock shall not be subscribed for at the time and place appointed, other subscriptions may at any time be received until the whole capital stock shall have been subscribed, under such regulations as the board of directors shall adopt.

Corporators
named
in first section
to receive sub-
scriptions.

§ 5. The persons named in the first section of this act shall be the first directors of said corporation, and shall hold their offices until the first Monday in January, one thousand eight hundred and sixty, and until others shall be elected in their place. The directors shall elect one of their number to be president of the corporation, who shall hold his office for the like period of time, unless he shall cease to be a stockholder, or other disability occur, in which case the directors shall have power to fill the vacancy by the election of a successor. The first election of directors shall take place on the first Monday of January, one thousand eight hundred and sixty, and on that

Persons
named in
first section
to be the
first direc-
tors.

President.

First elec-
tion.

day in each year thereafter, during the continuance of the corporation.

By-laws and regulations.

§ 6. The directors shall have power to make by-laws and regulations, not inconsistent with the constitution and laws of this state or of the United States, for the management of the business in all its departments of said corporation. The directors may appoint all such officers, agents and servants as may be necessary and useful for conducting the affairs of said corporation, and allow them a suitable compensation, and remove them at pleasure. A majority of the directors of said corporation shall form a quorum for the transaction of the business of said corporation, and the directors shall manage and conduct the affairs and business of said corporation.

To appoint officers, agents and servants.

Stockholders to be entitled to one vote for each share.

§ 7. Each stockholder shall be entitled to one vote for each share he shall hold at the time of any election, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy.

Liability to laborers, &c

§ 8. The stockholders shall be jointly and severally individually liable for all the debts that may be due and owing to all laborers and operatives for services performed for the corporation; they shall also be severally individually liable to the creditors of the corporation to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by the corporation, until the amount of its capital stock shall have been paid in; and no stockholder shall be personally liable for the payment of any such debt contracted by the corporation, unless a suit for the collection of such debt shall be brought against the corporation within two years after the debt shall become due, nor unless such suit shall be commenced against such stockholders within one year from the time he shall have ceased to be a stockholder in the corporation, nor until legal remedies shall have been exhausted against the corporation.

Ib. to creditors.

Suits to be brought within two years.

Book to be kept.

§ 9. It shall be the duty of the corporation to cause a book to be kept by the secretary or treasurer, thereby* containing the names of all persons who are stockholders in said corporation, showing the place of residence, the number of shares of stock held by them respectively, the time when they became, respectively, the owners of such shares; which book shall at all reasonable times be open to the in-

* So in original.

spection of the creditors and stockholders at the office or place of business of said corporation, and such books shall be evidence of the right of any person to vote at any election of directors.

§ 10. This act shall take effect immediately.

Chap. 275.

AN ACT to amend an act incorporating the village of Plattsburgh, and the several acts amendatory thereof, and to extend the powers of the corporation of said village.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

SECTION 1. All that part of the town of Plattsburgh, Boundaries. in the county of Clinton, and state of New York, embraced within the following boundaries, that is to say: Beginning at a point half of a mile due north, from the northeast corner of the court-house in said town, and running thence west to the east line of the farm occupied by Judge William Bailey in his lifetime, and commonly called the Bailey homestead, or to where said east line would run if continued north from the northeast corner of said farm; thence south one-fourth of a mile; thence west twenty-five chains; thence south to a point due west from the center of the covered bridge near the present village of Plattsburgh; thence east to the center of the river Saranac, and down the center of said river to a point opposite the southwest corner of lot number eleven of the patent of Plattsburgh, near old fort Brown; thence east in the south line of said lot number eleven to the shore of lake Champlain, and then continuing east half a mile on the waters of the lake; thence north on the waters of said lake to a point directly east of the place of beginning, and thence west to the place of beginning, shall be known and distinguished as the village of Plattsburgh.

Corpora-
tion.

§ 2. The inhabitants resident within the boundaries aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of the "village of Plattsburgh," and by that name they and their successors shall have perpetual succession, capable in law, of suing and being sued, complaining and defending in any court of law or equity, and may adopt and use a common seal; and alter the same at pleasure, and take, hold, purchase, sell, assign and convey any personal or real estate, as the purposes of the corporation shall legally require.

Property
held and
owned by
village
of Platts-
burgh.

§ 3. All the property, both real, personal and mixed and all choses in action and effects of the former corporation, to wit, the trustees of the village of Plattsburgh, shall continue to be held and owned by the village of Plattsburgh.

TITLE 2.

Officers of
village.

§ 1. The officers of said village shall be a president, six trustees, one treasurer, one clerk, one collector of taxes and assessments, all of whom shall be elected by ballot by the electors of said village, and shall hold their offices respectively during the terms prescribed by this act, and until their successors shall be duly qualified; and such other officers as the trustees of said village, as hereinafter authorized, shall legally appoint.

Inspectors
of election.

§ 2. The inspectors of election appointed by the trustees of said village, as prescribed in section five of this title, shall appoint such place and time of day for the election of the aforesaid officers, who are to be elected by ballot, as they shall deem proper, giving three weeks' previous notice thereof, by posting notices as hereinafter provided, or by publishing said notice in one or more of the village newspapers, or by both; but the said inspectors of election shall not designate any place for holding the said elections where spirituous liquors are accustomed to be sold.

Who may
vote for
village offi-
cers.

§ 3. Every inhabitant actually residing in said village who possesses the necessary qualifications to entitle him to vote for member of assembly, shall be qualified by virtue of this act to vote for all officers to be elected, but no person shall be entitled to vote upon any proposition to raise money by tax, at any meeting or election

village, unless he shall at the time be liable to
 sed for such tax.

All the said officers of said village shall be resi-
 d legal voters of said village, while holding their
 re offices, and when any officer of said village
 use to be a resident thereof, his office shall be

Officers to
 be resi-
 dents.

An election shall be held on the first Tuesday in
 each and every year, for the election of the
 named in the first section of this title, to be
 by ballot by the electors of said village, and the
 of said village shall annually appoint three inspec-
 such election, who shall give notice in the manner
 d in section two of this title, for the annual
 under this act, and the inspectors so appointed,
 ority of them, shall declare the person receiving
 test number of votes duly elected to the respec-
 es to which they were chosen.

Elections.

At each annual election two of the trustees shall
 d, the terms of whose office shall commence on
 Tuesday succeeding their election, and shall
 n the first Tuesday following the third annual
 thereafter; of the trustees first to be elected,
 l be elected for the term of one year ending on
 Tuesday succeeding the first annual election,
 the term of two years, ending on the first Tues-
 eeding the second annual election, and the other
 he term of three years, ending on the first Tues-
 eeding the third annual election, and the term
 n they are elected shall be stated on the ballots.
 he term of office of the other officers to be
 n pursuance of section one of this title, shall
 n one year from the Tuesday next succeeding
 ction. All laws relating to general elections for
 cers, as far as the same shall be applicable, shall
 ed to apply to all elections authorized by this
 the inspectors of all elections under this act
 re the same power and authority, in all respects,
 as may be, as inspectors of elections in towns

Trustees,
 when elect-
 ed; term of
 office.

Term of
 office of
 other
 officers.

In case of the absence, sickness or death of the
 , during his term of office, the president of the
 trustees, who shall have or shall thereafter be

In absence,
 &c., of pre-
 sident, who
 to act.

chosen by the board of trustees, from their own number, shall have all the powers, rights and privileges, and be subject to all the duties of president of such village, until the election of a president by the electors of said village, at the annual or special election, in place of the president, who shall have died, or until the recovery or return of said president, who shall have been absent or sick while holding said office.

Vacancy.

§ 9. In case the office of trustee becomes vacant by death, removal or otherwise, the trustees shall have power to appoint a trustee to fill such vacancy, which shall be filled at the next special or annual election.

Bonds to be executed.

§ 10. The treasurer and collector of taxes and assessments shall, severally, before they enter on the duties of their respective offices, execute a bond to the said village of Plattsburgh, its successors and assigns, in such sum and with such sureties as the board of trustees shall approve, conditioned that they faithfully execute the duties of their respective offices, and account for and pay over all money received by them respectively, which bond, with the approval of the board of trustees, shall be filed with the clerk of the village.

President, his powers and duties.

§ 11. The president shall be the executive officer of the village, and shall have power to call special meetings of the board of trustees when he thinks proper, or when requested to do so by any two of the trustees, and to preside at all meetings of the said trustees, to give the casting vote; and it shall be his duty to sign, as such president, all by-laws, rules, ordinances, regulations, orders, bonds, licenses, deeds, appointments, covenants and contracts made by the trustees in behalf of the said corporation; to see that all by-laws, rules, regulations and ordinances, lawfully made by the trustees, are carried into effect and duly executed; to give the proper notice of every special meeting of the inhabitants of said village, held under special authority, and for the objects specified in this act; to preside at all meetings thus convened; to collect all fines, penalties and forfeitures incurred under this act, or by any by-law, rule, order, regulation or decision made in pursuance thereof; to commence and prosecute all such suits, in the name of the corporation, as shall be ordered or directed by the trustees; to pay all money which shall come into his hands, for the

use of said corporation, to the treasurer thereof, and take his receipt therefor; to sign and direct the payment of all accounts and demands against the said corporation, that have been audited and allowed by the trustees, and all other legal drafts and demands upon the treasurer of said village, and to do all such other acts and things as usually appertain or belong to the duties of such presiding officer, or which the said trustees may legally require him to do. The president shall receive no salary or compensation for his services as president, under this act.

To receive no compensation.

§ 12. In case the president shall at any time refuse to sign as aforesaid, provided a majority of the trustees shall afterwards so direct, the said by-laws, rules, regulations, ordinances, licenses, bonds, appointments, deeds, contracts and covenants shall be good and valid without the signature of the said president, and the same shall not require the signature of the said president.

Proceedings in case president refuses to sign.

§ 13. The clerk shall attend and act as clerk at all meetings and elections of the inhabitants and trustees, record their proceedings, keep all books and papers and the seal of the corporation, and deliver the same to his successor on demand; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced; for certifying to the same he shall receive six cents for every hundred words so certified from the person requiring the same. The books and papers under his control and custody shall always be produced for inspection to any person who may be interested; he shall attend to the publication of all by-laws, ordinances and notices which the trustees shall direct, notify all persons of their election or appointment to office under this act, and perform such duties as the trustees may from time to time lawfully direct or ordain; and the trustees may allow to him such sum for his services as they deem proper. The trustees shall receive no salary or compensation under this act.

Clerk, his duties.

§ 14. The clerk shall keep a poll list of the names of all persons voting at any election held in said village, and in case of his absence from any meeting of the inhabitants of said village, authorized by this act, or of such

Poll list to be kept.

trustees, such person as shall be chosen or appointed therefor by the trustees, shall, on such occasions, perform the duties appertaining to such.

Treasurer,
his duties.

§ 15. The treasurer shall receive all moneys directed to be paid into the treasury of said corporation, and pay out the same, and shall render an account of the state of the finances to the trustees whenever ordered by them, and shall deliver all books, papers and property of the corporation, in his hands, to his successor in office on demand; no money shall be paid by the treasurer for any purpose unless directed and appropriated by a previous vote of the trustees, upon a draft drawn by the clerk, countersigned by the president of said village, for the time being, and the treasurer in his settlement with the trustees shall be allowed for no money paid out by him except such as are paid out as above, and he shall receive as his compensation one per cent on all moneys paid out by him, except money paid by him to his successors in office, which compensation shall be allowed him by said trustees on inspection of his accounts, if the same are found correct. It shall be the duty of the treasurer, in each and every year during the period in which he shall hold such office, to make a statement of his accounts, including all moneys received by him, and the manner in which he has expended or disbursed the same, which statement shall be verified by his oath, and published in all the newspapers printed in said village, at least once a week, for two weeks next preceding each annual election. All moneys paid to the said treasurer by order of any court, in the matter of laying out or opening streets or highways as prescribed in this act, shall be paid out by him to persons entitled to receive the same by said order, or upon the legal receipts of such persons in proper form, without the drafts of said clerk as aforesaid.

Other officers.

§ 16. All officers authorized to be appointed by the trustees, under this act, shall perform such duties as shall be required of them respectively, by the by-laws, rules, resolutions, orders, regulations and ordinances of the corporation.

Vacancies.

§ 17. Vacancies in the office of president and trustee, occasioned in any manner, may also be filled at a special election, called and appointed by the trustees in office for the time being, and conducted in the same manner as an

section. Vacancies in all other offices shall be appointment by the board of trustees, until the next annual election. All appointments by the board of trustees under this act, shall be by warrant, under the great seal, signed by the president or presiding officer and a majority of trustees and the clerk. In case of a failure to elect a president and a trustee at an annual election, from any cause there shall be no president or clerk; the clerk shall appoint a time and place for holding a special election in the usual manner, and appoint electors of said election; and in case there shall be no president, trustees or clerk, any six inhabitants qualified under this act, shall appoint an election and the officers thereof, in the usual manner.

Appoint-
ments.

Special
election.

All officers elected or appointed under this act, before entering on the duties of their respective offices, shall take and subscribe the oath or affirmation of office required by the constitution of this state. Such oath or affirmation may be taken before any person authorized to administer oaths, and shall be filed with the clerk of the board of trustees.

Officers to
take oath.

It shall be the duty of the police constable, who shall be appointed by said trustees, by virtue of section three of this act, to serve all papers and process on account of said trustees, or appertaining to any corporation, to arrest all disorderly persons or persons guilty of the public peace; to see that the rules, regulations and by-laws of the said trustees in relation to the police are duly observed and enforced; to attend all public assemblages; to preserve order and protect property; to use the utmost endeavors, at all times, to quell riots, and any and every unlawful proceeding; and to do and to perform all such other acts and duties consistent with the office which the president or trustees may allow. And the said police constable is authorized and empowered to serve processes issued by the courts of justice, and to perform the duties of a constable in the county of the same as other constables elected by the people of the respective towns may do, and with like effect, and he shall receive the same fees allowed by law for such services.

Police con-
stable, his
duties.

TITLE 3.

OF THE TRUSTEES, THEIR POWERS AND DUTIES.

Trustees,
their pow-
ers and
duties.

§ 1. The trustees shall have the management and control of the finances and of all the property, both real and personal, belonging to the corporation; shall superintend, or appoint persons to superintend, all the works, labor, and improvement done and bestowed upon any of the streets, roads, lanes, alleys, bridges, docks and sidewalks in said village, shall procure the materials for the same, employ the laborers and do and perform such other services as may be prescribed by this act, or by the said trustees, and shall have power and authority within said village, to make, establish, publish, alter, modify, amend and repeal rules, resolutions, regulations, ordinances and by-laws for the following purposes, viz.:

To preserve
peace.

1. To preserve peace and good order; to quell and prevent any noise, disturbances, riots and disorderly assemblages and meetings; to restrain and suppress disorderly houses, gaming houses, and instruments and devices for the purpose of gaming.

Auction
sales.

2. To regulate auction sales.

Rolling of
hoops, play-
ing ball, &c.

3. To prohibit or regulate the rolling of hoops, playing at ball, flying kites, sliding down hill on sleds or any other amusements and practices having a tendency to annoy, or in any way to injure or endanger persons passing on the streets or sidewalks, or to frighten or to interfere with teams or horses in said village, and to regulate or prevent the firing of guns, pistols, firearms, and the use *of firing of crackers, rockets, squibs and fireworks or bonfires in said village.

Bathing.

4. To regulate and determine the time and place of bathing in any of the waters within the corporate bounds of said village, or adjacent thereto, and to prevent the same.

Cattle run-
ning at
large.

5. To restrain the running at large of cattle, horses, swine, asses, mules, sheep, dogs, goats, geese, and to authorize the restraining, impounding and sale of the same, for the penalty incurred and cost of proceedings, and to appoint one or more persons to drive any of the aforesaid animals so running at large, to the pound, and to deter-

* So in original.

their fees and duties; to establish and regulate pounds, to appoint pound keepers, and to prescribe powers and duties, and to regulate and to prevent the keeping at large of dogs owned or harbored by persons residing in said village, and to tax the same.

to prevent horse-racing or immoderate riding or driving within the limits of said village, and to regulate the use and management of all public conveyances, by steam or otherwise, within or through the limits of said village.

Horse-racing.

to prevent and remove all incumbrances, obstructions and encroachments from any cause whatever, upon public streets, alleys, bridges, docks, public squares, sidewalks or crosswalks of said village, and to cause the same to be removed, and the streets to be kept clear and unobstructed, and to prevent riding, driving or pulling of horses, teams of cattle, with or without wagons, or carriages, or dumping or placing any article on sidewalks or streets in said village.

Incumbrances.

to compel all persons to keep clean, and remove all filth from the sidewalks in front of the premises owned or occupied by them, all snow, ice and dirt, and keep the sidewalks and streets clean.

Sidewalks to be kept clear.

to compel the owner or occupant of any grocery, drug, or flower-chandler shop, soap factory, tannery, stall, slaughter-house, skin factory or other unwholesome house or place, to cleanse, remove, abate or abate the same, whenever the same may be necessary for the health, comfort or convenience of the inhabitants of said village.

Nuisances

to remove, destroy, prevent or abate nuisances; to regulate slaughter-houses; to direct or prevent the location of the same, and to abate nuisances generally.

Id.

to regulate the keeping and conveying of gunpowder and other combustible and dangerous materials.

Gunpowder

to regulate the ringing of bells; to erect or to regulate the erection of public scales, and to appoint weighers, measurers and an examiner of weights and measures for said village, which said examiner of weights and measures shall have the power, at all reasonable and proper times, during business hours, to inspect and examine the weights

Miscellaneous.

and measures used in said corporate limits, and shall have the right to enter any store or building in said village for the purpose of such inspection and examination; his duties, and mode and rate of compensation shall be more particularly prescribed by the said trustees by ordinance.

Shows, &c.

13. To sanction or prohibit, in their discretion, all exhibitions of any natural or artificial curiosities, caravans of animals, circuses, theatrical and other shows or exhibitions, or performances for money within the bounds of said corporation. The said trustees, or a majority of them, may license any such exhibition or performance on payment of not less than ten nor more than twenty-five dollars, in all cases where the amount is not specified by a vote of the board of trustees; but nothing in this section shall be construed to prevent the delivery of literary, historical and scientific lectures in said village, the use and exhibition of apparatus illustrating the same, and the receiving of money for the same, nor shall any license be required for the delivery of such lectures.

Reservoirs, &c.

14. To construct and regulate reservoirs, hydrants, water pipes, public pumps and wells, and to prevent unnecessary use or waste of water of the same; but nothing herein contained shall infringe, impair, abridge or take away the rights of the present or future owners of the aqueducts and water works constructed under and in pursuance of an act entitled "An act granting to William Halsey and John Heath the exclusive right of supplying the inhabitants of the village of Plattsburgh with pure and wholesome water," passed January twenty-four, eighteen hundred and twenty-seven.

Grading.

15. To grade, pitch, level and repair, construct, make, amend or relay (or cause the same to be done) any bridges, docks, sewers, aqueducts, streets, lane, alley, road or highway, sidewalks or crosswalks; either with plank, brick, stone, dirt or gravel, as said trustees may determine, and to provide for the planting or setting and protecting or removal of ornamental or shade trees, in any public square, grounds or streets in said village.

Surveys.

16. To survey the boundaries and streets of said village, establish the same, and make a map thereof, and of the said village.

Secure building against fires

17. To enter, and authorize others to enter, in the day-time, when it shall be necessary to do so, into any build-

the said village in which shall be a fireplace, stove or stove pipe, for the purpose of examination of the same, and to make such regulation thereto as a proper security against fires their judgment require.

exercise all other powers conferred on them by or any purpose whatever, and to act as a board of

Board of health.

the trustees shall have power to appoint, if in discretion they deem it necessary, at any time, one or more police constables, who shall hold their offices temporarily or permanently, at the discretion of the board of trustees, and perform the duties of watchman of said village, and such other duties as shall be assigned to them, and they shall be entitled to such compensation, for the time they shall be in active service as the board shall determine. And the trustees shall, from time to time, appoint, if at any time they shall deem it necessary, one or more village assessor or assessors, who shall hold their office for the time he or they shall be appointed by the said board of trustees, to be in office at the time of his or their appointment. The said assessor or assessors so appointed, as aforesaid, shall be notified by the clerk of said village that any taxes have been directed to be levied, shall immediately proceed to make a valuation of all the real and personal property subject to such taxation; prepare an assessment roll thereof, in which roll the real estate so subject to taxation, shall be clearly designated by the street, and the lot or lots in said street, and by the quantity of land, and as the same can be ascertained and assessed, for the purpose of making such valuation and assessment, he or they shall possess and exercise the same powers and duties subject to the same liabilities, and perform the same duties as the assessors of towns, when performing the same duties, except as otherwise hereinafter directed; and the assessments, nevertheless, shall be thereafter subject to the correction and confirmation of the board of trustees.

To appoint police constables and other officers.

Taxes how assessed.

the trustees shall hold a meeting of their board of trustees for the transaction of business, on the first Tuesday of each month, at which the president of the village shall preside. In the absence of the president, they shall ap-

Meetings of trustees.

point one of their number to perform his duties, and in the absence of the clerk from any such meeting, they may appoint any person to act as clerk for the time being. A majority of the trustees shall constitute a quorum for the transaction of business.

By-laws.

§ 4. The trustees of said village may make, publish, ordain, amend or repeal any or all such ordinances, by-laws and public regulations, not contrary to the laws of this state, as may be necessary to carry into effect the powers given said trustees by this act, and to enforce an observance of all rules, regulations, resolutions, ordinances and by-laws made in pursuance of this act, by imposing penalties on any person or persons, or corporations violating the same, not exceeding in any one case of violation one hundred dollars, to be recovered with costs in a civil action in any court having cognizance thereof. Every such ordinance or by-law, imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be subscribed by the president and clerk, and published at least once a week in all the village newspapers, and proof of such publication by affidavit of the printers or publishers of said newspapers, taken before the president of said village, or any officer authorized to take oaths, and filed with the clerk of the said village, or any other competent proof of such publication, shall be evidence of the legal publication of such ordinance or by-law, in all courts and places.

Trustees to prescribe duties of officers.

§ 5. The trustees shall have power, from time to time, to prescribe the duties of all persons appointed by them under this act, subject to the provisions of the same, and may remove such persons so appointed at any time.

President or trustees may arrest disorderly persons.

§ 6. The president of said village, or the trustees, and each of them, or any of the police constables, shall have power and are hereby authorized, at any and at all times, to arrest or cause to be arrested, with or without process, all persons who shall sell strong and spirituous liquors and wines within the village, contrary to law, all habitual drunkards, all drunken person or persons found intoxicated in the streets of said village, or riotous persons engaged in quarreling and fighting in any of the streets of said village, in addition to those persons enumerated in the first section, title fifth, chapter twentieth, of the first part of the Revised Statutes, all of whom shall

be deemed disorderly persons. And the said officers shall have power to, with or without process, while in pursuit of said disorderly person, to enter or cause to be entered, any building or place within the limits of said village, and arrest or cause to be arrested, any such disorderly person or persons, and shall take them before any justice of the peace residing in said village, to be dealt with according to the provisions of this act. In case a justice of the peace cannot be found, then the officer arresting such offender may detain him in custody or commit him to the county jail, or any other convenient place, for safe keeping, until a justice can be found, not to exceed forty-eight hours, when the officer shall immediately bring him before a justice of the peace, to be tried as hereinafter provided; said officers, or either of them, shall have the power to command assistance, whenever he shall deem it necessary.

May detain them in custody.

§ 7. When any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested or brought before any justice of the peace in said village, the said justice shall proceed forthwith to hear, try and determine the complaint or charge on which such person is arrested; or he may, in his discretion, adjourn the hearing of the trial on cause shown, not exceeding five days, and in the meantime shall commit the accused to the county jail or any other convenient or secure place until such day, or suffer him to go at large on his executing a bond with sureties, under the approval of said justice, conditioned that he will appear on said adjourned day. And upon the conviction of any such offender, either by confession or competent testimony, the said justice shall have the full power, and is hereby authorized, to punish by fine not exceeding fifty dollars, or by imprisonment in the county jail of Clinton county, not to exceed six months, or by both such fine and imprisonment.

Trustees to hear and decide complaints.

TITLE 4.

OF THE ASSESSMENT, LEVYING AND COLLECTING OF TAXES.

§ 1. The trustees are authorized and empowered to raise money by tax to be assessed upon personal and real estate within the bounds of said corporation, and to be collected from the several owners and occupants thereof,

Trustees may raise money by tax.

for the purchase of any real or personal property for the use of said village, and to defray the contingent expenses of said corporation; but no tax shall be levied or collected to an amount exceeding two thousand dollars in any one year, including the sum allowed by the act of title five of this act, except as in this act otherwise provided, until the same shall have been authorized by the vote of a majority of the tax payable inhabitants of said village qualified to vote under this act, at an annual election or meeting, or at any special meeting called for that purpose.

Taxes, how
apportioned

§ 2. Whenever any tax shall have been levied, the assessor or assessors of said village shall apportion the said tax so directed to be levied among the taxable inhabitants of the said village and the independent owners of property therein, in conformity with, as practicable, with the provisions of the law relating to the assessment of taxes by town assessors. After the assessment rolls have been received and examined by the said assessor or assessors, he or they shall give ten days' notice, to be published in the village paper or newspapers, at the time and place at which the board will meet to review and correct the assessments made by the assessor or assessors as aforesaid. After the trustees shall have reviewed and corrected the assessment roll to deliver the same to the village clerk with their warrant, under the hands of a majority of them, or of the president, to be directed to the collector commanding him to levy and collect the amount of the said tax, in the same manner as warrants issued by the board of supervisors to the collectors of the towns. The collector shall return the receipts thereof and to pay over the money to the treasurer within thirty days after its receipt by the collector of the village, or sooner if required by the board.

Collector,
his duties.

§ 3. The collector shall proceed to collect the amount of such tax, together with such fees or commissions for his services as the trustees, by a by-law, shall determine, provided, not exceeding five per cent on the amount levied or collected, and after deducting his said fee or commission he shall pay the residue to the treasurer of the village within thirty days from the receipt of the money by him, who shall give the collector a receipt therefor.

and the said collector shall file the treasurer's warrant herewith with the clerk, together with his warrant list annexed thereto; and the money, when collected and paid to the treasurer, shall be applied by the collector to the purpose for which said tax was raised, in the direction of said board of trustees. The collector shall file his warrant and his tax list annexed therewith with the clerk.

Whenever any person or corporation, upon whose property shall have been assessed, pursuant to the provisions of this act, any tax, shall neglect or refuse to pay the same, and no personal property can be found on the same can be levied, the collector shall make application thereof to the trustees, who are authorized to sell the land or estate on which such tax is assessed, to the highest bidder at public auction for a term of time, for the payment of such tax, giving three weeks' notice of such sale, by advertisement in all newspapers published in said village, which notice shall contain a brief description of the land, the amount of tax, requiring the owner or tenant to pay the same by a day therein specified; and if the tax be not paid at the time and place in such advertisement, the real estate so advertised shall be sold under the direction of the trustees, by the collector or some other person for that purpose appointed by the trustees, to the person who shall take it for the next shortest time, and for the payment of such tax, and the interest thereon, and the expense of such notice and sale. The advertisement shall be discontinued at any time before sale, by any person paying to the village treasurer the amount of such tax or assessments, the fees and expenses, including interest and printer's bill; and if the premises are not redeemed within one year, one dollar in addition to the interest and the expenses of such advertisement, may be charged to the expenses of such advertisement, if the premises are not redeemed within one year. In such sale, the trustees shall execute to such person or persons entitled thereto, a lease of the premises under the corporate seal, and signed by the mayor, for the time being, for the term of which they shall be computed from the expiration of one year from the day of sale, which lease shall be presumptive evidence that such tax was legally imposed, and of the regularity of the proceedings of the sale, for which

Neglect or
refusal to
pay tax.

Lands may
be sold.

the trustees may charge the sum of one dollar for the delivery thereof to the purchaser; and such purchaser or their legal representatives or assigns, in virtue of such lease, obtain possession of said premises in the manner prescribed by law in relation to passing over real estate sold under execution, and may lawfully enjoy such premises during the term specified in such lease, against the owners thereof and persons claiming under them, and shall be required to vacate within thirty days after the expiration of such term, the right of such occupancy; certificates of such possession may be issued under the corporate seal and signed by the president, setting forth the circumstances of said possession, and the times at which said purchaser will be entitled to possession of the lease.

Who liable
for taxes.

§ 5. The person or corporation in possession of any real estate, shall be liable to pay the taxes assessed thereon, and shall have the right to recover the amount of the owner, unless by agreement the owner is bound to pay the same.

Ibid.

§ 6. Every inhabitant of said village, having possession or under his control, within the bounds of the corporation, any real or personal property, shall be liable as guardian, executor or administrator, shall be liable as taxable inhabitant to the amount thereof, within the provisions of this act, except as to the right of voting at an election, and may charge the tax, when paid, to the estate for which he is trustee, guardian, or administrator.

Taxes to
draw inter-
est.

§ 7. All taxes, for the collection of which interest shall be issued to the collector, as prescribed by law, shall draw interest at the rate of twelve per centum annum, commencing sixty days after the date when the tax is due, until the tax shall be paid.

TITLE 5.

Separate
road dis-
trict.

§ 1. The village of Plattsburgh, except the portion therein across the river Saranac, and the embankments, railings and sidewalks thereto, shall be declared a separate road district, exempt from the jurisdiction and control of the commissioners of the town of Plattsburgh, and the trustees of the same.

owers given by law to the commissioners of
of towns, within the limits of said village, and
es and expenses of working and repairing all
ared public highways in said village, and also
g, altering, repairing and improving bridges
over the same, except those over the Saranac
upon or over any streets or highways in said
shall be raised by tax upon the taxable inhabi-
property of said village, in the same manner as
and general taxes; and the said trustees shall
the same and no other obligations to keep said
bridges, except those across the Saranac river,
and be subject to the same and no other liabili-
spect thereto, as commissioners of highways;
taxes can be raised by the trustees without any
addition to the sum allowed by section one of
of this act for the ordinary and contingent
of the said village, not exceeding the sum of
and dollars for any one year, for the purpose
ction prescribed, unless authorized to raise a
n by a vote of the taxable inhabitants of said

bridges over or across the Saranac river within
ge, now erected or which may hereafter be
and all embankments, abutments, railings and
thereto, shall be and remain under the care and
ndence of the commissioners of highways of the
Plattsburgh, and the expenses of making and
g the same shall be defrayed in the same man-
er bridges of said town.

the trustees shall have power, under the restric-
limitations hereinafter mentioned, to cause
d avenues to be opened, widened, regulated,
d paved, sidewalks to be flagged or planked,
and gutter stones set; and to cause public
nd parks to be opened, regulated, ornamented
cted, and streets and avenues to be kept in
d from time to time to be repaved, and side-
oe reflagged or replanked, and curb and gutter
be reset; to provide that lamp posts and lamps
l and lighted, and cisterns made for the purpose
ing water in the case of fire; to cause sewers
s, wells and pumps to be constructed and

Bridges
over Sara-
nac river to
be under
superinten-
dence of
commis-
sioners of
highways.

Opening,
widening
and regulat-
ing streets.

repaired, and generally to make such other improvements in and about such streets, avenues and squares as the public want and convenience shall require; and of such improvements shall be levied and collected in the same manner as other village improvements; the said trustees shall also have the power to regulate the planting of ornamental trees in the streets and public grounds of said village, and to regulate the same, and to regulate the conditions and fix the amount to be paid by any and all persons who may desire to connect cellar or other drains into said sewers.

Streets and squares,
how opened

§ 3. All streets and squares to be opened or altered by the proceedings under these provisions, or to be created, and to be under the jurisdiction, management and control of the said trustees, for the purpose of making the improvements mentioned, as the public wants and convenience shall require, and for all purposes mentioned in or necessary to fully carrying into effect all the provisions of this act, or any other.

Petition for improvements.

§ 4. Whenever a petition for opening or widening a street, avenue or square in said village, signed by a third of the persons owning land situated on each side of the same to the value of two-thirds of the value of the same, shall be presented, the trustees of said village shall cause a notice to be published in the village newspaper, and if such application has been made, and of the time when (which shall not be less than ten days after the publication of such notice) when they will proceed to consider the petition, which notice shall be published, at least one week for two successive weeks, and unless otherwise ordered by a majority of the persons assessed for the expenses thereof, shall be published to them on or before the day specified in said notice. If they shall deem the application proper, they may, at the time specified in said notice, or as soon thereafter, by a resolution, decide that such improvement be made. Before giving notice of the pendency of such application, the trustees shall fix the limit of the assessment, beyond which the assessment shall not extend; and a description of such limit or distance shall be inserted in and form part of such notice. If they shall deem it proper to permit such improvement

shall cause application to be made to the court of the county of Clinton, or to the supreme court, at a special term held in the judicial district in which the county shall then be situated, for the appointment of three persons as commissioners to estimate and assess the expenses of said improvement and the amount of the costs and damages to be sustained and derived therefrom by the owners of such land and buildings as are affected thereby. Notice of said application shall be published in all the village newspapers, once in each of two weeks successively, before the day on which the application is to be made. The owners of property in the district of assessment shall have the right to nominate, in writing to the court, persons qualified, as hereinafter provided, to serve as commissioners, and the said court may, upon, from among the persons so nominated, appoint three persons as such commissioners, who shall be interested in the improvement, and shall be owners of a freehold estate in said village, liable to taxation. The said court may also appoint another or others to fill the place of any one or more of such commissioners who may die, decline serving or remove from the district, or become interested in the improvement, or who may be disabled from serving, without notice, and without publication of the said trustees.

The person so applying, and who shall have signed the application for any such improvement shall be charged with the same, and are hereby declared liable for, all charges and expenses which may accrue on such application, if the same is refused by the trustees.

The trustees shall cause a map to be made by a professional surveyor, on which map shall be designated the several lots and inches, as near as may be, the several pieces of land and premises necessary to be taken for the improvement, and of any residue of lots or pieces of land in the district of assessment, of which only a part is required of the same; and also the several pieces of land and premises within the district of assessments owned by the said trustees, which said several pieces of land shall be numbered in figures from one upwards; and the said map shall form and constitute a part of the proceedings of the commissioners of estimate and assessment, and shall be filed with the clerk of the village, with their examination.

Notice to be published.

Charges, who liable for.

Map to be made.

Commissioner to be sworn.

§ 7. The said commissioners shall be sworn some officer who is authorized to administer oaths fully and impartially to discharge the duties which devolve upon them by virtue of their appointment. They shall then proceed, with all reasonable diligence, to make the estimate and assessment mentioned in the preceding section, and examine any premises which, in their opinion, will be affected by the said improvement; and they shall take the proofs and allegations of the parties interested in such time and place as they may appoint, and from time to time, as they may deem proper.

To make report.

§ 8. The report of said commissioners shall be made in a tabular form, with columns, in which shall be distinctly given the whole expense of the improvement and the several items thereof, the number on each of the pieces of land required for the improvement, and of any residue of lots or pieces of land within each district of assessment, of which only a part is required for the same; the number of pieces of land assessed for benefits; the names of the persons interested in the property taken for the improvement; the amount awarded to the different parties interested in the land and premises required for improvement; the amount assessed on each piece of land, and the different interests therein; the balance of amount paid by each individual whose assessments amount to more than the award; and so many and such other columns and tabular statements as may be necessary to designate the true interests of the parties in the land and premises required for the improvements, and the liabilities and interests in relation thereto, provided, however, that it shall be lawful for the commissioners to substitute in their report, for the name of the owner of any lands taken or assessed, the words "unknown owners" in all cases where they shall make and annex to their report an affidavit, that after having made diligent search and inquiry, they have been unable to ascertain the name of the owner.

Residue of lots, how disposed of.

§ 9. When a residue shall be left of any lot or lots necessary to be taken for such improvement, the commissioners may, in cases where injury and expense would otherwise be done, and with the consent of the owner or owners of such lot or lots,

sole on any part of such residue in their report, describing the same, and estimate separately the thereof. Every such residue or part of residue, shall be so included, shall, upon such confirmation said report as hereinafter provided, and the payor tender of the amount at which the same shall be estimated, to the owner or owners thereof, vest in fee, in the village of Plattsburgh, who shall sell and of the same at a price or prices not less than the at which it shall have been so estimated, to the or owners of the next adjacent lands; and if he or shall not, upon reasonable notice, to be determined trustees of said village, elect to take the same at price or prices, it shall be disposed of at public upon such notice as the trustees shall deem proper the best price or prices that can be obtained for me. In case the same shall sell at a less sum than at which its value was estimated by the commissioners, the deficiency shall be deemed a part of the total amount of the loss and expense arising from the improvement; and for the purpose of providing for the of such deficiency, and for the payment of the at thereof, the commissioners shall include in the rate and assessment of the expenses of such improvement the estimate value of any such residue or part of a which may be included in their report; and upon sale of the same, as above provided, the proceeds of shall be credited and allowed to each of the persons assessed, in proportion to the amount of the respective assessments against them.

D. In other cases, in which part only of the land and premises of any person or persons will be required for the use of such improvement, the fair estimate benefit to be derived by him, her or them, in common with the land, from the said improvement, shall be assessed, and the benefit upon the residue of such lands and premises, shall be assessed, and such assessment shall in no case exceed the value of the residue; and if, in the opinion of the court to whom the report shall be presented for confirmation, as herein provided, any assessment shall exceed such value, it shall be good cause against confirming the said report.

1. When all lands or premises of any person or persons will be required for the contemplated improvement,

Proceedings
when all
lands are

required for
improve-
ments.

or where only part thereof will be required, the amount of the damage to be sustained by the owner of such part to the purposes thereof shall be the estimated benefit which, in common with the other owners, or they will derive from the said improvement, or the amount of the estimated damages in the case of the land assessed and be a lien on other lands and premises according to the estimated benefit to be derived from said improvement.

Damages to
be estima-
ted.

§ 12. The said commissioners shall also include in their said report for damages arising from the improvement, which may be sustained by the owners of any land bounded on a public highway, on account of the reason of the location of the proposed street or square, in such manner as to interpose the same between other persons between such street, avenue or the said highway; and the amount of such damages shall be assessed and be a lien on the premises, according to the benefit to be derived therefrom, respectively, from the said improvement.

When re-
port is com-
pleted,
notice to be
published.

§ 13. After said report shall be completed and deposited by the said commissioners with the clerk, he shall then cause a notice to be published in a newspaper at a time and place therein specified, not less than ten days from the first publication of said notice, of the completion of said report. During the time the said report may be in force, free of expense, by all persons interested in the improvement, and place so specified any such person may apply in writing to the said report, and accompanied by such affidavits as he may think proper, the said commissioners shall thereupon, or as soon as may be thereafter, review their said report, and cause the same, where they shall deem proper, to be filed with the clerk. The trustees shall also cause a notice to be published in all of the newspapers, that the said report has been completed and filed, and that application will be made to the said trustees, to the county court of the county of Clinton, or to the supreme court, at any one of the terms thereof, to be held in the judicial district of said county shall then be situated, to be served by notice (and in either case not less than ten

Report may
be reviewed
and cor-
rected.

Notice to be
published.

lication thereof) to have the said report confirmed. the said ten days, the said report shall remain open section free of expense, to all persons interested, such person interested may within that time ap- m said report; such appeal shall be by notice to ed on the village clerk of said trustees, within the last mentioned, and at least six days before the which the report is to be presented to the court rmination, which notice is to be accompanied with of the objections and affidavits which shall have delivered to the commissioners, and also with a brief nt in writing, of the grounds of objection to such and of the manner in which it is contended that e ought to be altered.

Appeal may
be taken.

Such appeal shall be heard by the court to which report shall be presented for confirmation at the e same shall be so presented; copies of the affi- which shall have been delivered and served as d (but no others) may be read against such con- n and shall be heard, except an appeal shall have ade in the manner provided in the preceding sec- this act. If no sufficient reason to the contrary ppear to the court, they shall confirm the said or if in their opinion it ought not to be confirmed, ay refuse to do so; in the event of such refusal all, in the proper cases, refer it back for revision ection to the same or other commissioners, who roceed to revise or correct the same and cause a port to be filed in the office of the clerk of the

Appeal to
be heard by
court.

The trustees shall thereupon cause a new notice ublished in the manner required in the preceding of this act, of the filing of such report, and of ntention to apply for the confirmation thereof. d report may be appealed from within the time he manner provided for in the said section, and eal shall be proceeded upon, and the said report sposed of, in the manner directed by this section; ften as any such report shall be referred back for and correction, the like proceedings shall be on had as are provided in this section on a first e back to said commissioners; in cases, however, he said court shall direct specific alterations to e therein, and such alterations shall be made in its

New notice
to be pub-
lished.

Report may
be appealed
from.

presence, they may thereupon confirm said out further notice.

Report,
when con-
firmed, to
be delivered
to trustees.

§ 15. After the reports of the commissioners confirmed, the said reports shall be delivered to the trustees of said village, who shall be authorized to make such improvements to be made. At any time within thirty days next after the confirmation of any person from whom any assessment may be due, may pay the amount thereof, with additional expense for collecting, to the trustees of said village. All such assessments which shall expire at the expiration of that period, shall be collected by the collector of taxes and assessments, and in accordance with the provisions herein and in this act provided.

Treasurer
to pay dam-
ages.

§ 16. The treasurer shall pay to the persons who are attorneys or legal representatives of such persons, whom damages may have been awarded in such cases, the amount of such damage, without deduction therefrom by way of fee or commission.

Commis-
sioners of
estimate
and assess-
ment, com-
pensation of

§ 17. The commissioners of estimate and assessment to be appointed as aforesaid, shall be allowed for each and every day while actually employed in and about their duties, and such compensation and the fees and charges of surveyors and persons shall be estimated as part of the cost of the improvement, and be afterwards taxed by the county judge or some other officer authorized by the county judge, and the costs in the supreme court of this state.

Estimate of
expenses.

§ 18. If the estimate of expenses shall exceed the amount of expenses actually incurred in making such improvements, such excess shall be refunded to the person assessed, in proportion to their respective assessments.

Guardians
to be ap-
pointed for
infants.

§ 19. In any case of opening, widening or laying out any street, avenue or square, under the provisions of this act, the county court of the county of such county judge thereof, in term or vacation, or the supreme court, shall have power, on application, to appoint guardians for infants or other incompetent persons, to protect their interests or prosecute on their behalf, and shall be entitled to receive five dollars for each day of attendance before the said commissioners, and other fees and costs unless upon an appeal,

who shall hear the appeal, shall fix upon the amount to be allowed them, if any, and shall the same.

The costs and fees of the attorney in any such case, exclusive of his disbursements, shall not exceed in any one case the sum of one hundred dollars, on appeal, or when the report is sent back to the court, and in such case the judge who heard the case may allow such further sum in addition to the amount certified bill as he may deem just and proper.

All assessments for improvements in said village, when the same shall have been confirmed by the court, shall be provided, according to the provisions of this act, to constitute and be a lien upon the property from the time of such confirmation, which lien, in respect thereon, as hereinafter provided, shall have priority over all the other liens and incumbrances.

Whenever any street, avenue or alley shall have heretofore laid out through any lands in said village, the owner or owners of lands through which the streets, avenues or alleys shall pass, and the same shall be in legal form ceded or dedicated to public use as a street or highway, by the said owner or owners, the same can be legally accepted and taken by the trustees of said village, as a street or highway, the same, on the petition of any party or parties owning land fronting on the same, may and it shall be lawful for them to lay out and open such street, avenue or alley in proper form ceded or dedicated, in fact or by operation of law as aforesaid, without the appointment of commissioners, as provided for in section four of this act, and the said board of trustees shall have the power to cause the same legally laid out and opened as a public street or highway. Before acting, however, on such petition the said trustees shall give notice of the said petition on or petition in all the village newspapers, once a week for two successive weeks, and shall, in said notice accurately describe the said street, avenue or alley to be laid out and opened, and shall state when the said trustees will proceed to act upon the petition of such petition, and unless a remonstrance is filed by the owners of a majority or larger portion in interest in the land on the line of said street shall be presented

Costs and fees.

Assessments for improvements to be a lien.

Land heretofore dedicated as streets, &c., to be so continued.

Exception.

to the said trustees on or before the time specified, the said trustees shall then be at any time thereafter within one year, to lay out said street, avenue or alley, and to declare under the corporate seal of said board of trustees, in the hand of the president and clerk thereof, that said street, avenue or alley laid out and opened, and the portion thereof ever contained in this section shall make a public highway. The said trustees may, in their judgment, at that time, there shall be no other action upon the same, and action upon the said petition shall be postponed by said board of trustees until such time as the said trustees shall see fit to act upon the petition, not exceeding one year.

Former proceedings in relation to streets, ratified.

§ 23. All proceedings heretofore had by the village of Plattsburgh, in relation to the opening or widening of streets within the village, and all orders or decrees from the court or of the supreme court at any general term thereof, heretofore made in respect to the opening or widening of any streets or avenues within the limits of said village, are hereby ratified and confirmed, and the same are hereby declared and constituted public streets and highways forever, and all said streets or avenues so declared and opened or widened by said trustees, or by the village board, or by either of them, are hereby declared public streets and highways forever.

Assessments, collection of.

§ 24. The same proceedings shall be had by authorized to be taken, for the collection of assessments in said village, that have been heretofore confirmed, and which remain due and unpaid, for the sale of lands upon which the same hereafter be liens, as are in this act provided for the collection of taxes and for the sale of lands for the payment of taxes in arrears and unpaid.

TITLE 6.

OF THE PREVENTION AND EXTINGUISHING

Prevention of fires.

§ 1. The trustees shall have power to regulate the dangerous construction and condition of chimneys, hearths, stoves and stove pipes, ovens, boilers

in any building or manufactory, and to cause the same to be removed or placed in a safe condition when found dangerous, and to prevent the deposit of ashes in dangerous places; to provide fire buckets and to regulate the use of them in time of fire; to authorize the firemen or other persons in the village to keep away from the vicinity of any fire all idle or suspicious persons, to compel them and all persons to aid in the extinguishment of fires and the preservation of property from danger thereat; and generally, to establish regulations for the prevention and extinguishment of fires as they may deem expedient.

The trustees shall procure fire engines and other apparatus to be used in the extinguishment of fires, and have the custody and control of the same, and shall provide fitting engine-houses, or other houses for keeping and repairing the same, and shall have the power to employ fire, hose, ladder, axe and bucket companies, and to appoint a suitable and competent number of able-bodied inhabitants of said village as firemen, and to have the care and management of the engines and apparatus and implements made and provided for the extinguishment of fires; to prescribe the duties of firemen, and to make rules and regulations for the fire department.

The members of the several fire, hose, ladder, bucket companies, when organized under this act, shall have the power to elect a chief engineer, and one or more assistant engineers, and each company shall elect a foreman and one assistant foreman, and a secretary, one of each of their respective companies, and to select and employ such persons to fill any vacancy which may occur in their ranks, providing that no engine or any other company shall have more than the number of members allowed by the act. The trustees, who shall have the power to regulate the number of members for each company, not exceeding ten members to each company. They may adopt by-laws, and may expel disorderly members, and impose fines and forfeitures for the violation of the by-laws.

They may expel any member from their ranks for misconduct or neglect of duty, but no expulsion shall be made unless a majority of the members of the company shall concur in the same. During the time the companies shall remain duly organized, they shall

Fire engines and apparatus.

Firemen.

Chief engineer.

May adopt by-laws, expel disorderly members, &c.

have the custody of the engine and other taining to the fire department, subject, n the paramount possession, authority and president and trustees of said village.

Fire ward-
dens.

§ 3. The trustees shall be fire wardens, power, from time to time, to appoint such dens as they may deem necessary and prop scribe their powers and duties.

Exempt
from mili-
tary and
jury duty.

§ 4. The firemen enrolled by virtue of during the time of their services as such, from serving on juries, and in the militia of war, invasion or insurrection, and a s years as such firemen shall forever exem jury and militia duties except as aforesaid of each fireman so enrolled shall be regis clerk of said village, and the evidence to the exemptions provided in this section sh tificate of the said clerk, countersigned by of the village.

Names to be
enrolled.

TITLE 7.

MISCELLANEOUS PROVISIONS.

Penalties.

§ 1. All actions brought to recover any feiture under this act, or the ordinances, b resolutions or regulations made in pursuan be brought in the corporate name of said such action it shall be lawful to declare generally, for such penalty or forfeiture, s tion of this act or by-law, rule or regulati or resolution, under which the penalty o claimed, and to give the special matter in defendant may plead or answer, denying allegations declared or complained of, and cial matter in evidence also.

Defendant
may plead.

Process

§ 2. The first process in any such ac before a justice of the peace, may be by warrant, and execution may be issued in the rendition of judgment. If the defenda action has no goods or chattels, lands whereof the judgment can be collected, shall require, where it shall appear that second offense, the defendant to be impriso

county for a term, to be fixed by the said justice, not exceeding sixty days.

No person shall be an incompetent judge, justice, or juror, by reason of his being an inhabitant or residing in said village, in any action or proceeding in which the said village is a party interested.

Being an inhabitant not to render any one incompetent.

All oaths or affidavits which are required or demanded by this act, may be taken before the president of the village; but the president shall not be entitled to administer the administration of such oath.

Oaths.

All resignations of any officers under this act, shall be made to the board of trustees, subject to their approval or disapproval.

Resignations.

All fines, forfeitures and penalties, and all moneys for licenses under this act, shall be paid to the board of trustees of said village, and may be applied by said trustees to any purpose consistent with this act.

Fines, forfeitures and penalties.

The village of Plattsburgh may, at any time, hereafter, purchase, have and hold such lot or lots, pieces or parcels of land as may be suitable and proper for erection of a suitable building for a village hall, at a cost not exceeding six thousand dollars, whenever a majority of the electors of said village liable to be assessed under this act; and when such purchase shall be made, to make, execute and deliver a bond of said purchase for the amount of said purchase money, and a mortgage on the lot or lots, pieces or parcels of lands so purchased, to secure the payment of said bond, and mortgage, when duly executed and recorded, shall be a valid lien and incumbrance on said lands, pieces or parcels of land, and which bond and mortgage may be made payable in annual installments of five hundred dollars, with interest on the whole amount of principal unpaid, such interest payable semi-annually; and the board of trustees of said village is hereby authorized to raise, on the taxable property of said village such sums of money as shall be required to pay the principal on said bond and mortgage, and said annual installments of the principal thereof, until the same shall be paid and satisfied; which sum or sums of money so raised by said trustees for the payment of said interest and principal, shall be in addition to the sums authorized.

May purchase lots suitable for building village hall.

May raise money by tax.

rized to be raised for the ordinary and contingent of said village by section one of title four of the act for the purpose set forth in section one of title five of this act, and therein authorized to be raised.

Special meetings.

§ 8. Special meetings of the inhabitants of said village may be called by the same persons, and in the same manner as is provided for the calling of the annual meeting or election in this act. The said notice of said meetings shall state the object of said meeting.

Board of health.

§ 9. The president and board of trustees are empowered to act as a board of health, at all times to guard against the introduction of any malignant contagious disease, and adopt such measures as their judgment shall dictate, to secure cleanliness and purity of the sphere in the streets and alleys, and to promote the sanitary condition of said village.

Privileges and restrictions.

§ 10. The said corporation shall possess all the privileges, and be subject to the restrictions contained in title one, title three, chapter eighteen of the Revised Statutes as far as they are applicable to said corporation. Provisions inconsistent with the provisions of this act are hereby repealed.

Notices, how given.

§ 11. In such cases requiring the public notice to be given in this act, if no newspaper shall be published in the said village at the time, the same may be given by posting such notice in at least six of the most public places in said village.

Statutes repealed.

§ 12. All statutes now in force creating the corporation mentioned in the title of this act, and all amendments thereof, or which are contrary to or inconsistent with the provisions of this act are hereby repealed, but no statute heretofore repealed shall be revived.

Assessments to pay liabilities of present corporation.

§ 13. All assessments necessary to be made to discharge all the liabilities of the present incorporation known as the trustees of the village of Plattsburgh, shall be levied and collected from the same persons and property as if this act had not been passed, but in the manner herein prescribed for the collection of village assessments, but no vote of the taxable inhabitants shall be necessary.

§ 14. This act shall take effect immediately.

Chap. 276.

ACT to alter the commissioners' map of the city of Brooklyn.

Passed April 13, 1859; three-fifths being present.

People of the State of New York, represented in and Assembly, do enact as follows:

SECTION 1. There shall be laid down on the commissioners' map of the city of Brooklyn, a street to be called "Myrtle place," which shall be a part of the commissioners' map of said city. Said street shall be sixty feet wide, shall be parallel with, and two hundred feet easterly from Bedford avenue, and shall extend from Hancock street to Fulton avenue.

Commissioners' map to be altered.

SECTION 2. All that part of old Division street lying on the north side of Myrtle avenue and the west side of Canton street, in the eleventh ward of the city of Brooklyn, is hereby laid down on the commissioners' map of the city of Brooklyn, as one of the public streets of said city, and shall hereafter be a part of the commissioners' map of said city, and for the purpose of opening, widening, and paving said Division street, the common council of said city are hereby authorized to take such actions as they now are or may be authorized to take, for opening and grading, and paving of streets and alleys in said city.

Canton street declared a public street.

This act shall take effect immediately.

Chap. 277.

ACT to provide for the reduction of the capital stock of banking associations.

Passed April 13, 1859.

People of the State of New York, represented in and Assembly, do enact as follows:

SECTION 1. It shall be lawful for a banking association, hereafter to be organized, under the general laws of this state, to reduce its capital stock to an amount which shall be equal to the value of the pro-

Association may reduce capital stock.

perty and effects of such banking association, above and beyond all its debts and liabilities, and thenceforth the capital stock of such association shall be such reduced amount, and the par value of the shares thereof shall be reduced in the same proportion; but in no case shall such capital stock be reduced below one hundred thousand dollars, the amount now required by law for a banking association.

Notice to
superintenden-
dent.

§ 2. Whenever a banking association shall propose to reduce its capital stock, according to the provisions of the first section of this act, due notice thereof shall be given to the superintendent of the banking department, signed by a majority of its board of directors, and accompanied by the written assent to such reduction, of at least two-thirds in amount of the shareholders of such association. It shall be the duty of the said superintendent, upon the receipt and filing of such notice, and within a reasonable time thereafter, to make or cause to be made an examination of its books, property, effects and liabilities; upon which examination the officers thereof may be examined on oath as to the debts, liabilities, property and effects thereof. From the result of such examination the said superintendent shall determine the value, in his judgment, of such property and effects, above and beyond the debts and liabilities aforesaid, and certify the same in writing, and the amount so determined and certified, shall be thereafter the capital stock of such banking association, and the par value of the shares thereof shall be proportionably reduced.

Superintenden-
dent to ex-
amine
assets.

Determine
amount of
capital
stock.

Expense
to be paid
by banker.

§ 3. The expense of the examination herein provided for, by the superintendent of the banking department, or caused to be made by him, shall be paid by the banking association for whose benefit the application shall be made.

Certificate
to be re-
corded.

§ 4. The determination and certificate in writing, to be made by the said superintendent, of the amount to which the capital stock of any banking association has been reduced under this act, shall be recorded in the office of the clerk of the county in which such banking association shall be located, and a certified copy thereof filed in the bank department of the state of New York, and the same shall be published by the said superintendent once a week for six weeks successively, in the state

Notice to be
published.

paper, and at least one newspaper in the county where such association shall be located, at the expense of the banking association applying for such reduction of its capital stock.

§ 5. Nothing in this act contained shall in any way change or lessen the liability of the stockholders of any banking association reducing its capital stock under its provisions, to the bill holders or other creditors thereof, or any indebtedness or engagement now existing or that may so exist, either absolutely or contingently, against such association, prior to or at the time when such reduction shall take place, or by which the rights, remedies or security of the then existing creditors shall be weakened or impaired.

Securities
not to be
impaired.

Chap. 278.

AN ACT in relation to the New York Institution for the Blind.

Passed April 13, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the New York Institution for the Blind to sell and convey all or any part of their real estate, situate in the city of New York, between Thirty-third and Thirty-fourth streets and the Eighth and Ninth avenue, whenever in the opinion of the board of managers thereof it shall be expedient to do so.

May sell or
convey
their real
estate.

§ 2. The said New York Institution for the Blind shall, immediately after the sale as aforesaid, apply the proceeds thereof as follows: One hundred thousand dollars thereof shall be put out at interest, upon bond and mortgage upon unincumbered real estate, worth not less than double the amount loaned thereon, exclusive of buildings, for the benefit of said institution, and eight thousand dollars shall be equally applied to the immediate relief of such of the adult blind of said institution, in number not over thirty, now connected with the same as in the judgment of the managers thereof would be the most

Proceeds,
how applied

proper persons to be the recipients thereof, and for the space of one year from and after the property, be received into the institution, on the same conditions of other state pupils; and the proceeds shall be expended in the purchase of real estate situate in the city of New York, for the use of said institution and the erection of suitable buildings thereon, or so much thereof as in the opinion of the board of managers may be necessary, and the residue which may remain after such new buildings shall be completed, shall be invested as aforesaid or in the purchase of real estate in the city of New York, or of the cities of Brooklyn, for the benefit and use of said institution.

§ 3. This act shall take effect immediately.

Chap. 279.

AN ACT to amend an act passed February 17th, 1857, entitled "An act to enable Peter Cooper to found a scientific institution in the city of New York," and also to amend the act passed February 21st, 1857, entitled "An act to amend an act entitled 'An act to enable Peter Cooper to found a scientific institution in the city of New York,' passed February 17th, 1857."

Passed April 13, 1859; three-fifths being

The People of the State of New York, in Senate and Assembly, do enact as follows:

Act
amended.

SECTION 1. The act passed February 17th, 1857, entitled "An act to enable Peter Cooper to found a scientific institution in the city of New York," and also the act passed February 21st, 1857, entitled "An act to amend an act entitled 'An act to enable Peter Cooper to found a scientific institution in the city of New York,' passed February 17th, 1857," amended so that the same shall read as follows:

Peter Cooper, of the city of New York, is hereby
 zed to convey to the body corporate hereinafter
 , that certain block of land situate in the said
 d bounded northerly by Astor place, easterly by
 rd avenue, southerly by Seventh street, and west-
 the Fourth avenue, with the edifice thereon erect-
 d all and singular the tenements, hereditaments
 ourtenances thereunto belonging, or in any wise
 ining, for the purpose of founding and establish-
 ublic institution in said city for the advancement
 ce, art, philosophy and letters, for procuring and
 ning scientific and historical collections, collec-
 chemical and philosophical apparatus, mechani-
 artistic models, books, drawing, pictures and sta-
 d for cultivating other means of instruction to,
 upon the uses, intents and purposes, and upon the
 nd subject to the conditions and restrictions con-
 in a deed which shall correspond in form to the
 ng, that is to say :

Block of
 land may be
 conveyed.

indenture, made and entered into the — day of
 the year one thousand eight hundred and fifty-
 and between Peter Cooper, of the city, county
 of New York, and Sarah, his wife, parties here-
 the first part, and "The Cooper Union for the
 ement of Science and Art," a corporation created
 existing under the laws of the state of New York,
 hereto of the second part, witnesseth that the par-
 to of the first part, for and in consideration of
 of one dollar, lawful money of the United States,
 in hand paid by the said party hereto of the
 part, at or before the ensembling and delivery of
 resents, the receipt whereof is hereby acknow-
 and of other good considerations them thereunto
 have granted, bargained, sold, aliened, remised,
 , and forever conveyed and confirmed, and by
 esents do grant, bargain, sell, alien, remise, re-
 convey and confirm unto the said party of the
 part, and to its successors forever, all and singular,
 k of ground situate, lying, and being in the city,
 and state aforesaid, and bounded northerly by
 place, easterly by Third avenue, southerly by
 street, and westerly by the Fourth avenue, to-
 with the building thereon erected, and all and

Form of
 indenture.

singular the tenements, hereditaments and thereunto belonging, or in any wise appert reversion and reversions, remainder and rem issues and profits thereof, and also all the est interest, dower, and right of dower, prop claim and demand whatsoever, as well in ty, of the said parties of the first part, of above described premises, and every p thereof, with the appurtenances, to have a and singular, the above mentioned and desc together with the appurtenances unto th the second part, and its successors; in tru and subject to the following conditions a to, for and upon the following uses, intent and to, for and upon such other uses, i poses as are embraced in an act incorpor hereto of the second part, passed by th the state of New York the — day of - year —, and entitled "An act to amend February seventeenth, eighteen hundred entitled 'An act to enable Peter Coop scientific institution in the city of New to amend the act passed March twenty hundred and fifty-seven, entitled 'An act act entitled 'An act to enable Peter Co scientific institution in the city of New February seventeenth, eighteen hundred a or as shall be permitted thereby, and by datory thereof; provided only that such o rests and purposes shall not contravene or inconsistent with or opposed to the follo enumerated restrictions and conditions, us purposes, to, for and upon which this cor cially made, that is to say:

To what to
be devoted.

FIRST. That the above mentioned and mises, together with the appurtenances, issues, income, and profits thereof, shall b ted to the instruction and improvement of of the United States in practical science

Manage-
ment under
control of
board of
trustees.

SECOND. That the management and above mentioned and described premises, the appurtenances, and of any other pro at any time to belong to the party of th

receipt and expenditure of the rents, issues, and profits thereof, shall be forever committed, to the conditions and restrictions herein contained, such other conditions and restrictions as are or contained in the aforesaid act of incorporation or any part hereto of the second part, or in any acts or orders thereon, to a board of trustees, which shall consist of the first of the following persons, to wit: Peter Cooper, Edward Cooper, Abram S. Hewitt, Daniel F. Wilson, G. Hunt and John E. Parsons; that in the event of the death of that one of the aforesaid trustees who first die, the vacancy in the said board occasioned by such death, shall not be filled; but that forever after, as herein especially provided, the said board of trustees shall consist of the number herein above and in the said act of incorporation provided for, and to whom shall be committed the control and management of the above mentioned and described property, with the appurtenances and other property or interest therein, and the receipt and expenditure of the rents, issues and profits thereof, shall consist of five male persons; that the five survivors of the said six trustees named shall constitute the first board of trustees, consisting of five members; that every succeeding vacancy in the said board of trustees shall be filled by the surviving trustees by ballot; that to elect any person to fill such vacancy shall require the vote of at least three trustees in favor of such person; and that the oldest lineal male descendant of Peter Cooper shall be a trustee ex gratia, unless such person shall be a trustee by virtue of original appointment herein or by election as herein provided. If such oldest lineal male descendant of said Peter Cooper be a trustee by virtue of original appointment made herein, or by election as such trustee, as herein provided, the number of trustees constituting said board of trustees shall be reduced to five; but if such oldest lineal male descendant of Peter Cooper be not a trustee by virtue of such original appointment or subsequent election, then and in such event, and until another vacancy shall occur in the said board of trustees by the death or removal of a trustee other than such oldest lineal male descendant of Peter Cooper, the number of such trustees shall be six.

Sec. 10. The members of such board of trustees shall hold their offices as such trustees for life; provided only in case any such member may be removed by order

First
trustees.

Vacancies.

Number of
trustees.

Trustees to
hold office
for life.

of the supreme court of the state of New York, on the application of either of the trustees, or a council of the "Associates of the Copper Plate Engraving, of Science and Art," on the application for such removal; and a trustee shall vacate his office, and thereupon he shall cease to hold office upon the election of his successor.

Income,
how de-
voted.

FOURTH. The premises above mentioned, and the appurtenances, including all future additions made to the property hereto of the second part, the appropriation of which shall not be specially provided for by parties making the same, and all money and property which shall at any time belong to the property of the second part, and all the rents, income, issues and profits thereof, shall be devoted to and among the objects and purposes: the division and apportionment of such rents, income, issues and profits to such objects and purposes being left discretionary to the board of trustees provided for as above, the same being left discretionary with such board, and in what extent they shall carry out any of such objects and purposes, save and excepting that the course of expenditure on social and political science, hereinafter provided, shall have the preference over all the other objects and expenditure specified herein, in case there shall be no means adequate for them all, and shall forever be pre-eminent among them.

1. To regular courses of instruction, at which shall be present all who shall attend the same, under the regulations of the trustees, on the application of the board, to the useful occupations of life, on social and political science, meaning thereby not merely the science of political economy, but the science and philosophy of the just and equitable form of government, based on the great fundamental law that nations and men are bound unto each other as they would be done by the laws of other branches of knowledge as in the objects of the board of trustees will tend to improve and benefit the working classes in the city of New York.

2. To the support and maintenance of a library, of a reading room, of galleries of art, and of scientific apparatus, designed, in the opinion of the board of trustees, to improve and instruct those classes of inhabitants of the city of New York.

York whose occupations are such as to be calculated in the opinion of the said board of trustees, to them of proper recreation and instruction.

provide and maintain a school for the instruction of suitable females in the arts of design, and, in the opinion of the board of trustees, to afford to respectable females instruction in such other art or trade as will furnish them suitable employment.

As soon as, in the opinion of the board of trustees, funds which shall from time to time be at their disposal warrant such an expenditure, such funds shall be appropriated to the establishment and maintenance of a high polytechnic school; the requirements to be provided for which shall be left to the discretion of the board of trustees, and shall be specifically determined from time to time; and which school, as far as possible, and as soon as possible, be made equal to the best technological schools now established or hereafter to be established. Until the funds at the disposal of the board of trustees shall be sufficient, in the opinion of the said board of trustees, for the establishment of such polytechnic school, the said board of trustees shall furnish with rooms and accommodation for such school, and may assist in the maintenance thereof, the expense of public instruction of the city of New York by the trustees of any college or university, or any other body, individual or individuals.

And to provide rooms, in the judgment of the board of trustees, suitable for the offices of a society to be organized and provided in the act hereinbefore specially referred to be called "The Associates of the Cooper Union for the Advancement of Science and Art," and to furnish such society for its general meetings on one evening of each week, the great hall of the building, if the council of the said society shall require it so often.

The above mentioned and described premises shall be forever subject to the visitation and examination, at reasonable hours, of the council of the said society, and shall be organized and to be called the "Associates of the Cooper Union for the Advancement of Science and Art," on the terms and conditions of membership of which the rules and regulations from time to time be prescribed by the board of trustees, and of the party of the second part; which said soci-

ety shall make all rules and regulations for the conduct and government, subject, however, to the approval of the board of trustees of the party heretofore created, and shall pay to the said board of trustees for the general uses, intents and purposes of the society hereby created, hereby and in the said amendments amendatory thereof, provided or to be provided, received on the initiation into said society of the members thereof; and the said board of trustees shall receive and suggestions of the council of the said society from time to time be communicated to them, and such of them as in their judgment may be proper and expedient, and calculated to increase the number of the institution herein contemplated.

Vacancies.

SIXTH. Upon the happening of any vacancy in the board of trustees above provided for, which is provided to be filled by election, unless such vacancy be filled as herein provided within one year, when such vacancy shall occur, the same shall be filled at any time before it shall be actually filled by the board of trustees, by the said council of the said society, "in accordance with the by-laws of the Cooper Union for the Advancement of Art and Science," by election in such manner as may be provided by the by-laws of the said society.

How filled.

SEVENTH. Whenever a vacancy shall occur in the board of trustees, to be filled by them, as above provided, such election shall be held by the majority of the said board of trustees, on and after the expiration of notice given at and entered in the minutes of the preceding regular meeting of such board of trustees, at the meeting at which such election shall be held, or at any regularly adjourned meeting, such election shall be held by the person first having three of the votes of the board of trustees to fill such vacancy, provided that if so elected shall decline to act as such trustee, the vacancy shall be deemed to be again created.

Neglect, sufficient cause for removal.

EIGHTH. Neglect by a trustee of his duties, as indicated by his absence, without excuse, from three successive meetings of the board, shall always be a cause, among others, for the removal of a trustee.

Exception.

Trustees to be personally liable.

of the second part shall never be in debt more than five thousand dollars, excepting only indebtedness incurred for any year in anticipation of the revenues, rent and income of such year; and for any debt incurred beyond the above restriction and limitation, the said corporation shall not be liable, but the trustees shall be personally liable: provided that no trustee shall ever be responsible for or upon any debt, against incurring which he shall have voted when the board of trustees shall have determined to incur the same, or against incurring which he shall have made to the board of trustees, and filed with them, a written remonstrance to incurring such debt at any time before the contract is made by which the same is to be incurred.

Matters relating to institution may be published.

Minutes to be kept.

Religious tenets not to be taken into account

Information to be furnished.

THIRTEENTH. Every trustee of the party of the second part shall be at all times at liberty, in his discretion, freely to publish any matter within his knowledge relating to the institution herein contemplated, or to its management in any respect, including any discussions in the board of trustees, and shall fully disclose the same whenever required either by the supreme court or by either branch of the legislature. Full minutes shall be kept by the said board of all their proceedings, and the ayes and noes shall be recorded on any vote on the request of any member. Neither the said board of trustees, nor any member thereof, shall in any way take into account any religious tenet or opinion of any professor or teacher, or of any candidate for any office in said institution, on any appointment to or removal from such office, nor of any student applying for admission into said institution, or competing for any of its honors or advantages; nor shall they permit any professor or teacher in said institution to make any discrimination among its students on account of their religious tenets or opinions. And the board of trustees, and each member thereof, shall at all times furnish any information in respect to their funds, revenues and proceedings, which the legislature may require.

In witness whereof, the said parties hereto of the first part have hereunto set their hands and seals the day and year first above written.

In presence of

And to, for and upon such other uses, intents and purposes, and upon such other trusts, and subject to such

other conditions and restrictions as are hereinafter mentioned.

§ 3. Peter Cooper, with Edward Cooper, Abram S. Hewitt, Daniel F. Tieman, Wilson G. Hunt and John E. Parsons, and their successors, shall be and hereby are created and constituted a body corporate, by the name and title of "The Cooper Union for the Advancement of Science and Art," the corporate existence of which shall commence when the said Peter Cooper shall convey to it the block of land and edifice above mentioned, and shall continue forever.

Body
corporate.

§ 4. The said body corporate shall possess all the powers and privileges of a corporation, as conferred by the laws of the state of New York, and as granted by this act.

Powers and
privileges.

§ 5. The corporate powers and privileges conferred upon and granted, and to be granted, to the corporation hereby created, shall be exercised by a board of trustees, which shall consist at the first of the aforementioned Peter Cooper, Edward Cooper, Abram S. Hewitt, Daniel F. Tieman, Wilson G. Hunt and John E. Parsons. The term of office of such trustees; the manner of filling vacancies in the board of trustees; the manner and cause of removal, and the resignation of trustees, and the liability of trustees, shall be as provided in the aforesaid deed, mentioned in section two of this act. No member of said board shall receive any pecuniary compensation for his services.

Ib. may be
exercised
by above
mentioned
trustees.

§ 6. The corporation hereby created is hereby authorized and empowered to execute the trusts and powers mentioned in and intended to be created by the aforesaid deed, set forth in section two of this act; to accept such deed, and to hold the premises and property therein mentioned, including all endowments at any time to be made to the said corporation, subject to the conditions and restrictions created in said deed; and to, for and upon the uses, intents and purposes therein provided, and for the purposes and to the extent provided in the said deed, the said trusts, powers, conditions, restrictions, uses, intents and purposes are and shall be valid and effectual and shall attach to the said premises and property.

Trusts,
powers, &c.

§ 7. The corporation hereby created, and the board of trustees thereof, are hereby authorized and empowered to

Duties of
corporation

do and perform all and every act and thing whatever, and to carry out and accomplish all and every trust, intent and purpose provided to be done, carried out or accomplished, in and by the aforesaid deed, in respect to the said corporation or board of trustees; and the said corporation is hereby also authorized and empowered to receive all and every endowments made to it, and to appropriate the same to the uses, intents and purposes contemplated herein and in the said deed.

May associate with themselves other persons.

§ 8. The trustees of the corporation hereby created, may at any time associate with themselves such persons as they shall see fit, as members of the corporation hereby created, and with such persons organize a society with the style and title of "The Associates of the Cooper Union, for the Advancement of Science and Art," the objects and purposes of which shall be the encouragement of science, arts, manufactures and commerce; the bestowal of rewards for such productions, inventions and improvements as tend to the useful employment of the poor, the increase of trade and the riches and honor of the country; for meritorious works in the various departments of the fine arts; for discoveries, inventions and improvements; and generally, by lectures, papers and discussions thereon, and other suitable means, to assist in the advancement, development and practical application of every department of science in connection with the arts, manufactures and commerce of the country. The said society shall consist of the said associates, the graduates of the institution, hereby incorporated, whose diplomas may include such rights and privilege, and of such other persons as from time to time shall be elected members thereof, always including the members of the board of trustees of "The Cooper Union, for the Advancement of Science and Art," and all the members of the said society shall, while members thereof, be members of the corporation hereby created. The said board of trustees shall, from time to time, prescribe the conditions and terms of membership of the said society, which, subject to the approval of said board of trustees, shall make all rules and regulations for its own conduct and government, pass its own by-laws, and prescribe the duties and powers and annual dues of its members and officers, and which said society shall elect its own officers and mem-

Condition and terms of membership.

bers, and shall, from its members, annually elect a council, consisting of at least twenty-four members of said society, which said council is hereby authorized and empowered to do and perform all and every act and thing whatsoever, by it provided to be done and performed, in and by the said deed. The said society shall be inseparably connected with the "Cooper Union for the Advancement of Science and Art," the trustees whereof shall be entitled and are hereby permitted to receive, and in whom shall vest all property whatsoever, which shall in any way be acquired by, or at any time be granted, conveyed, assigned, devised or bequeathed to the said society, save only the current receipts thereof, which property shall be held by the said trustees, but in trust, however, for the corporation hereby created; and which said property, so long as the same shall be so held in trust, may at any time be sold or disposed of by the said corporation, on the consent of the council of the said society, and of the trustees of the said corporation.

§ 9. The trustees of the corporation hereby created, may confer degrees and diplomas for proficiency in science, arts, philosophy or letters.

May confer degrees.

§ 10. The trustees of the corporation hereby created shall, in the month of January, render an annual account, under oath, of all their receipts and expenditures, to the common council of the city of New York, the "Associates of the Cooper Union for the Advancement of Science and Art," and to the legislature of the state.

Annual account to be rendered.

§ 11. The premises and property mentioned in the said deed, and which shall at any time belong to or be held in trust by the corporation hereby created, or the trustees thereof, including all endowments made to it, shall not, nor shall any part thereof, be subject to taxation while the same shall be appropriated to the uses, intents and purposes hereby and in the said deed provided for.

Not subject to taxation.

§ 12. The supreme court shall possess and exercise a supervisory power over the corporation hereby created, and may at any time, on reasonable notice of application thereof to the board of trustees, compel from the trustees, collectively or individually, a full account of the execution of their trust; and the trustees shall at any time render a like full account of the execution of their trust, on the request of either branch of the legislature.

Supervisory power may be exercised by supreme court.

§ 13. All provisions of the act hereby amended, not hereby re-enacted, are hereby repealed.

§ 14. This act shall take effect immediately. •

Chap. 280.

AN ACT to apply the provisions of the seventeenth section of chapter six hundred and twenty-eight, Session Laws of eighteen hundred and fifty-seven, to Indians in this state.

Passed April 13, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certain provisions of Laws of 1857 to apply to Indians.

SECTION 1. The provisions of section seventeen, chapter six hundred and twenty-eight, of the Session Laws of eighteen hundred and fifty-seven, shall apply to all Indians, and to all the Indian reservations in this state; and all Indian officers, empowered either by Indian laws or by the laws of this state to make arrests, shall be arresting officers, under said section, on the reservations to which they belong; and any magistrate, before whom any Indian shall be convicted of intoxication, shall impose the same fine upon said Indian as if he or she were a white person. In all cases the magistrate shall require the arresting officer to testify whether or not the person brought by him was intoxicated when arrested. Indian arresting officers shall receive the compensation by law allowed to constables for similar services, and shall be liable to the same penalty as constables for neglect of duty under the provisions of said section.

Compensation.

Special marshals.

§ 2. Henry Silverheels, George Seneca, Jack Logan, Job King and Joshua Turkey of the Cattaraugus reservation, and Daniel Shongo, Levi Halftown, Charles Red Eye and Harrison Halftown of the Allegany reservation, are hereby appointed special marshals for the term of two years, and until others are appointed by said Indians, not exceeding five for each reservation, for the purposes of this act.

§ 3. This act shall take effect immediately.

Chap. 281.

AN ACT to authorize the trustees of school district number four, in the town of Greene, to borrow money on the credit of said district, and to provide for the payment thereof.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of school district number four, in the town of Greene, Chenango county, are hereby authorized to borrow the sum of one thousand and seven hundred dollars, on the credit of said district, for the purpose of building a school-house therein, and for furnishing the same.

Trustees
may bor-
row money.

§ 2. The said trustees shall provide for the payment of said sum of one thousand and seven hundred dollars, and the legal interest thereon, by a tax to be assessed and levied upon the taxable inhabitants and property in said district, and collected as other taxes are, in two equal annual installments, which installments shall be assessed within thirty days after the annual meetings of said district, in the years eighteen hundred and fifty-nine and eighteen hundred and sixty.

Tax to be
levied and
assessed for
payment of
same.

§ 3. This act shall take effect immediately.

Chap. 282.

AN ACT confirming the conveyance of real estate by John Longel and Margaret his wife, to Peter George, Jr.

Passed April 13, 1859; by "a two-third vote."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, claim, right, title and interest of the people of this state, in and to all that tract or parcel of land situate in the town of Sheldon, county of Wyoming and state of New York, distinguished by township number nine, in the third range of said town-

Interest of
state re-
leased.

ship, and which said tract of land, on a certain other map or survey of the aforesaid township, into lots, made for the Holland Land Company, by Joseph Ellicott, is distinguished by part of lot number forty, and is bounded as follows, viz.: North and east by the line of said lot; south by land conveyed by Lemuel Chipman to Stephen Godfrey, and west upon the same lot far enough to embrace thirty acres of land; and which said tract of land was conveyed by John Longel and Margaret his wife, aliens, to Peter George, Jr., in a certain warranty deed dated January eighth, in the year of our Lord one thousand eight hundred and forty-one, and recorded in the county clerk's office of the county of Genesee, which said county, at the time of this conveyance, then included the town of Sheldon, and that part of the said county of Wyoming in which said tract of land was situate, on the twenty-third day of February, eighteen hundred and forty-one, at eleven o'clock, A. M., in liber sixty-two of deeds, at page ten, by H. W. Soper, county clerk, is hereby released to the said Peter George, Jr., his heirs and assigns, and all incumbrances by him given thereon are hereby confirmed.

§ 2. This act shall take effect immediately.

Chap. 283.

AN ACT to legalize the official acts of Clark H. Brown as justice of the peace.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts legalized.

SECTION 1. All the official acts of Clark H. Brown as a justice of the peace of the town of Boonville, in the county of Oneida, are hereby declared to be as valid and effectual, for all purposes, as if said Clark H. Brown had duly qualified as such justice according to law.

SECTION 2. This act shall not be construed to affect, in any way, any act or proceeding commenced before the same shall take effect as a law.

SECTION 3. This act shall take effect immediately.

Chap. 284.

AN ACT to authorize the city of Troy to raise money by tax, and to borrow money.

Passed April 13, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Troy is hereby authorized to raise annually by tax on the freeholders and inhabitants of said city, and taxable property therein liable to taxation, a sum of money sufficient to pay the interest on any of the Troy city bonds, issued on account of the Troy Union Railroad Company ; and the amount so to be levied and collected in each and every year shall be applied to the purpose above specified, and not otherwise.

Common council may raise tax annually to pay interest on bonds.

§ 2. The mayor, aldermen and commonalty of the city of Troy are hereby authorized to borrow, upon bonds to be issued under the corporate seal of said city and the signature of the mayor thereof, a sum of money not exceeding thirty thousand dollars, for the purpose of paying any claims and demands now existing and outstanding against said city, and for the payment of which no other provision is made ; such bonds shall be made payable at such times as the common council of said city shall fix for that purpose, and shall bear interest at the rate of six per cent per annum, payable semi-annually, but nothing in this act contained shall authorize the said city to dispose of said bonds at less than their par value, and the amount so borrowed shall be applied to the purposes specified in this section, and not otherwise.

May borrow money upon bonds.

§ 3. It shall be lawful for the common council of said city to raise by tax, in the manner prescribed in the first section of this act, such sums of money as shall be necessary, from year to year, to pay the interest accruing yearly on the bonds to be issued by virtue of this act, and such moneys, when collected, shall be applied to that purpose only.

May raise money to pay interest on bonds.

§ 4. This act shall take effect immediately.

Chap. 285.

AN ACT to amend the act entitled "An act for the preservation of fish in the waters of the Crooked Lake," passed April twelfth, eighteen hundred and fifty-eight.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amend-
ed.

SECTION 1. The act to amend the act entitled "An act for the preservation of fish in the waters of the Crooked Lake," passed April twelfth, eighteen hundred and fifty-eight, is hereby repealed.

Violation
declared a
misdemean-
or.

§ 2. Any violation of the act entitled "An act for the preservation of fish in the waters of the Crooked Lake," passed April fifteenth, eighteen hundred and fifty-seven, is hereby declared to be a misdemeanor.

§ 3. This act shall take effect immediately.

Chap. 286.

AN ACT respecting the town records of the town of Montgomery, in Orange county, destroyed by fire.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Duty of
commis-
sioners of
highways.

SECTION 1. It shall be the duty of the commissioners of highways in the town of Montgomery to cause the roads and highways which have been legally established to be ascertained, described and entered of record in the town clerk's office, which record shall be as valid and effectual as the original record of the laying out of such roads; and the said commissioners are hereby authorized to examine on oath the overseers of highways in the said town, and all other persons having any knowledge or information respecting such highways, and to employ the

necessary surveyors and their assistants to survey any of the said roads.

§ 2. The school commissioner in whose district said town is included, shall proceed, as soon as may be, to cause the school districts and parts of districts in the said town, to be ascertained and described by him and entered of record in the town clerk's office, which record shall be as valid and effectual as the original descriptions of such school districts; and the said commissioner may examine on oath any trustee or clerk of any school district, or any other person, touching the boundaries of any school district therein.

Duty of school commissioners.

§ 3. Any person who may have filed any paper with the town clerk of the said town, or caused any entry to be made in the town record, which may have been destroyed by fire, may, within three months after the passage of this act, replace such paper, or cause a new entry to be made on the said records, accompanied by an affidavit of such person and the town clerk, specifying that the original was destroyed by fire, and the time when the same was filed or entered of record, which shall be presumptive evidence of the said paper having been so filed originally, or of such entry having been made as stated in such affidavits, and the same shall be as valid and effectual as the original papers or record so destroyed.

Records destroyed by fire, may be replaced.

§ 4. The necessary expenses incurred by the commissioners of highways, and by the school commissioners, and the town clerk of the said town in the execution of this act, shall be town charges, and shall be audited, levied and paid as other town charges.

Expenses, how paid.

§ 5. This act shall take effect immediately.

Chap. 287.

AN ACT in relation to draining certain lands in the town of Cicero, in the county of Onondaga.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

County judge to appoint three commissioners.

SECTION 1. The county judge of the county of Onondaga shall, by instrument in writing, appoint three persons who shall act as commissioners for the purpose of draining the wet land and marsh situated in the town of Cicero, and extending from near the eastern boundary of lands owned by Messrs. Clark and Alvord, on lot number eighty in said town, in a southeasterly direction to the saw mill owned by Samuel Conway, by cutting one or more suitable ditches through or near said land, in such manner as will most thoroughly effect the drainage thereof.

To take oath of office.

§ 2. The said commissioners shall, before they proceed to enter upon the duties of their office, take the constitutional oath of office, which shall be filed in the office of the clerk of the county of Onondaga, and shall enter upon the discharge of their duties as soon as may be after the passage of this act.

Inability or refusal to perform duties.

§ 3. In case either of the said commissioners shall refuse or be unable to perform the duties of said office, the owners of the lands to be drained, or any five of them, may present a petition, duly verified, to the county judge of the county of Onondaga, setting forth the facts and praying for the appointment of some competent person to fill such vacancy.

Judge to make appointment.

§ 4. The said judge shall, by instrument under his hand and seal, make such appointment, which shall be duly recorded in the Onondaga county clerk's office.

May employ surveyor and engineer.

§ 5. The said commissioners shall have power to employ a surveyor and engineer, and shall cause an accurate survey and map of the lands aforesaid to be made.

Commissioners may enter upon marsh.

§ 6. The said commissioners or their agents may, from time to time, enter upon said marsh and the lands adjacent thereto, for the purpose of carrying into execution the work contemplated by this act.

§ 7. The said commissioners shall assess the expenses incurred by them in the performance of their duties, and any damages resulting as a consequence of draining said lands shall be justly and equitably estimated by the aforesaid commissioners, which amount shall be treated as a part of the expenses of said works, and such expenses shall be a lien on the lands benefited thereby, and shall be assessed on the owners of the lands aforesaid, in proportion to the benefits received. When such assessment shall be completed, a copy thereof, with the map mentioned in the next preceding section of this act, shall be filed in the office of the clerk of Onondaga county.

Expenses
to be as-
sessed.

§ 8 The said commissioners, on the completion of the said assessment, shall cause a copy of the same to be posted in a conspicuous place in the vicinity of said lands, and shall serve a copy of the same on each party interested, or in case of the absence of any of the parties, or their agents or legal representatives; and the copies of such assessment thus served, shall be accompanied by a notice of the times and places at which the said commissioners will meet to review said assessment.

Copy of
assessment
to be posted

§ 9. In case any of the assessments shall not be paid, the said commissioners shall give notice by publication in two newspapers published in said county, that at a certain time and in a certain place in said county, they will proceed to sell the lands, or so much thereof as may be necessary, of the respective owners who shall refuse or neglect to pay the said assessments, together with the expenses of said notice and sale, and shall, on the day appointed, sell the same to the highest bidder. In case there shall be any surplus and no one authorized to receive the same, or who shall apply to such commissioners within six months, then the same shall be paid to the treasurer of said county, for the benefit of the parties interested therein.

Notice of
sale to be
given, when
assessments
are not paid

§ 10. The said commissioners shall have power to adjourn the said sale, if necessary or proper, in their opinion, for the interest of the persons interested, and on such sale shall be authorized to give and grant as full and perfect conveyances to the purchaser or purchasers as if the said assessments were severally mortgages given for the purchase of said lands respectively; unless the original owner or owners of the land or lands so sold and conveyed, or the person or persons in whose name the lands so conveyed

Sale may be
adjourned.

were assessed, his, her or their heirs, exēcutors, administrators or assigns shall, within two years from the date of said conveyance, pay to the person or persons so receiving such conveyance as aforesaid, or to his, her or their heirs, executors, administrators or assigns, or into the office of the treasurer of the county of Onondaga, for the use of such person or persons, the amount which he, she or they paid for said lands, so described in such conveyance, together with interest at the rate of ten per cent per annum thereon, to be computed from the date of said conveyance to the time of the payment.

Work to be completed within two years.

§ 11. The said commissioners shall complete the work contemplated by the provisions of this bill within two years, and shall within one month after the completion of any sale under the provisions of this act, file a report of their doings and proceedings duly verified, with the clerk of said county.

Compensation.

§ 12. The said commissioners shall be entitled to the sum of one dollar and fifty cents per day, for each day they shall be engaged as such commissioners in actual service, which shall be considered as a part of the expenses referred to in the sixth section of this act.

§ 13. This act shall take effect immediately.

Chap. 288.

AN ACT to repeal chapter six hundred and twenty-six of the Laws of eighteen hundred and fifty-three, and chapter four hundred and ninety-five of the Laws of eighteen hundred and fifty-five, so far as applicable to the village of Hamilton, and to amend section one of chapter one hundred and twenty-nine of the Laws of eighteen hundred and fifty-four.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts repealed to certain extent.

SECTION 1. Chapter six hundred and twenty-six of the Laws of eighteen hundred and fifty-three, entitled "An act to amend an act to provide for the incorporation of

companies to construct plankroads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, and the acts amendatory thereof; and also chapter four hundred and ninety-five of the Laws of eighteen hundred and fifty-five, entitled "An act to amend an act passed July twenty-first, eighteen hundred and fifty-three, entitled 'An act to amend an act to provide for the incorporation of companies to construct plankroads,' passed May seventh, eighteen hundred and forty-seven," and the acts amendatory thereof, are hereby repealed so far as they are applicable to persons living on or owning property on the line of any plankroad within the territory of the village of Hamilton.

§ 2. Section one of chapter one hundred and twenty-nine of the Laws of eighteen hundred and fifty-four, is hereby amended so as to read as follows :

§ 1. The corporate territorial limits of the village of Hamilton shall hereafter form and constitute one road district in the town of Hamilton, and the president of said village shall, during the continuance of his term of office, be the overseer of the highways in said district, and shall cause the assessments upon the inhabitants of said road district, made under the statutes of this state in relation to highways, to be expended within the limits of said district; but said president shall neither cause nor permit any portion of said assessments to be expended upon any plankroad lying wholly or partly within the corporate limits of said village, so long as said plankroad shall impose or collect tolls upon any portion thereof.

Village of
Hamilton
to constitute road
district.

Chap. 289.

AN ACT to extend the provisions of "An act authorizing the imprisonment of persons convicted of certain crimes, in the counties of Montgomery and Oneida, in the Albany county penitentiary," passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this state.

Passed April 13, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Convicts
may be
imprisoned
in adjoining
counties.

SECTION 1. Chapter one hundred and thirty-nine of the laws of eighteen hundred and fifty-eight, is hereby amended so as to allow the supervisors of any county in this state to contract with the supervisors of any county having a penitentiary therein, in the same manner and with like effect as is permitted by the provisions of this chapter.

Chap. 290.

AN ACT to authorize the Middletown and Unionville Plankroad Company to sell or mortgage their road.

Passed April 13, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Directors
may sell
property,
&c.

SECTION 1. The directors of the Middletown and Unionville Plankroad Company are hereby authorized to sell, assign and convey any part or parts, or the whole of their road, including the toll-houses thereon, or either thereof, whenever two-thirds of the stockholders of said company shall consent thereto in writing (each share of stock to be counted and regarded as one stockholder), provided that such sale be made at no less sum than the entire indebtedness of said company at the time of such sale, and a deed of conveyance of such road, or of any part thereof, sold as aforesaid by virtue hereof, executed

by the president, and attested by the secretary of the said company, shall vest in the grantee all the rights, powers and privileges of the said company to said road, or any portion thereof conveyed by such deed; and any person or persons are hereby authorized to purchase any part or parts of said road or toll-houses, subject to the provisions of the general plankroad law, and the several amendments thereof; and the proceeds of such sale or sales, remaining after paying off the entire liabilities of said company, shall be divided among the stockholders, the same as if such moneys had been received for tolls.

§ 2. The said company is hereby authorized to borrow any sum of money the directors thereof may desire, not exceeding the amount of the present indebtedness of said company, and to apply the same to the payment of such indebtedness, so far as may be sufficient, and to no other purpose. For securing any amount so borrowed, to the person or persons loaning the same, the president of said company is hereby authorized to execute his official bond or bonds for said company, for an amount in the aggregate not exceeding the amount of the present indebtedness of said company, payable with lawful interest, at such time and times as the said directors may determine; and also, to secure the payment of said bond or bonds, the said president is hereby authorized to execute, acknowledge and deliver a mortgage or mortgages on the road of said company, and the franchises of said company, conditioned for the payment of the amount or amounts secured by said bond or bonds, in the manner and at the times therein specified; and if the said mortgage or mortgages shall be foreclosed, and a sale be had of said road it is hereby declared that the corporate rights and franchises held by and belonging to said company, at the time of the execution of the said mortgage or mortgages, shall, by virtue of said sale, pass to and vest in the purchaser or purchasers of such corporate property, and the said corporation shall not thereby be dissolved.

§ 3. The said directors are hereby authorized upon the written consent of any number of the stockholders in such company, who shall, at any time, own at least two-thirds in the amount of the capital stock thereof paid in, to assess the stockholders of said company,

May borrow money

May assess stockholders, &c.

Chap. 289.

AN ACT to extend the provisions of "An act authorizing the imprisonment of persons convicted of certain crimes, in the counties of Montgomery and Oneida, in the Albany county penitentiary," passed April twelfth, eighteen hundred and fifty-eight, to all the counties in this state.

Passed April 13, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Convicts
may be
imprisoned
in adjoining
counties.

SECTION 1. Chapter one hundred and thirty-nine of the laws of eighteen hundred and fifty-eight, is hereby amended so as to allow the supervisors of any county in this state to contract with the supervisors of any county having a penitentiary therein, in the same manner and with like effect as is permitted by the provisions of this chapter.

Chap. 290.

AN ACT to authorize the Middletown and Unionville Plankroad Company to sell or mortgage their road.

Passed April 13, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Directors
may sell
property,
&c.

SECTION 1. The directors of the Middletown and Unionville Plankroad Company are hereby authorized to sell, assign and convey any part or parts, or the whole of their road, including the toll-houses thereon, or either thereof, whenever two-thirds of the stockholders of said company shall consent thereto in writing (each share of stock to be counted and regarded as one stockholder), provided that such sale be made at no less sum than the entire indebtedness of said company at the time of such sale, and a deed of conveyance of such road, or of any part thereof, sold as aforesaid by virtue hereof, executed

by the president, and attested by the secretary of the said company, shall vest in the grantee all the rights, powers and privileges of the said company to said road, or any portion thereof conveyed by such deed; and any person or persons are hereby authorized to purchase any part or parts of said road or toll-houses, subject to the provisions of the general plankroad law, and the several amendments thereof; and the proceeds of such sale or sales, remaining after paying off the entire liabilities of said company, shall be divided among the stockholders, the same as if such moneys had been received for tolls.

§ 2. The said company is hereby authorized to borrow any sum of money the directors thereof may desire, not exceeding the amount of the present indebtedness of said company, and to apply the same to the payment of such indebtedness, so far as may be sufficient, and to no other purpose. For securing any amount so borrowed, to the person or persons loaning the same, the president of said company is hereby authorized to execute his official bond or bonds for said company, for an amount in the aggregate not exceeding the amount of the present indebtedness of said company, payable with lawful interest, at such time and times as the said directors may determine; and also, to secure the payment of said bond or bonds, the said president is hereby authorized to execute, acknowledge and deliver a mortgage or mortgages on the road of said company, and the franchises of said company, conditioned for the payment of the amount or amounts secured by said bond or bonds, in the manner and at the times therein specified; and if the said mortgage or mortgages shall be foreclosed, and a sale be had of said road it is hereby declared that the corporate rights and franchises held by and belonging to said company, at the time of the execution of the said mortgage or mortgages, shall, by virtue of said sale, pass to and vest in the purchaser or purchasers of such corporate property, and the said corporation shall not thereby be dissolved.

May borrow money

§ 3. The said directors are hereby authorized upon the written consent of any number of the stockholders in such company, who shall, at any time, own at least two-thirds in the amount of the capital stock thereof paid in, to assess the stockholders of said company,

May assess stockholders, &c.

according to the amount of stock held by them respectively, such sum as shall be sufficient to pay off the present indebtedness of said company; the same shall be made payable in such sums and at such times as the said directors, by resolution, shall require. In case any stockholder shall refuse or neglect to pay any such assessment within thirty days after the same shall have been demanded, the said directors are hereby authorized to declare the stock held by any such stockholder forfeited for the use and benefit of said company; but nothing herein contained, shall be construed to authorize the said directors or company to *prosecute for any such assessment, any stockholders not consenting to the assessment as hereinbefore provided.

§ 4. Until all the present debts and liabilities of said company are fully paid and discharged, and until the surplus annual receipts of tolls on said road, over necessary repairs and expenses, shall exceed seven per cent per annum on the first cost of such road, the said directors are hereby authorized to collect the same tolls per mile as are now allowed to be collected on plankroads; and the said company shall not be required to repair or relay their road with plank, but may repair the same with gravel or other hard or durable material.

§ 5. This act shall take effect immediately.

Chap. 291.

AN ACT to authorize the Middletown and Bloomingburgh Plankroad Company to sell or mortgage their road.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Directors
may sell
property,
&c.

SECTION 1. The directors of the Middletown and Bloomingburgh Plankroad Company are hereby authorized to sell, assign or convey, any part or parts, or the whole of their road, including the toll-houses thereon, or either thereof, whenever two-thirds of the stockholders of said

* So in original.

company (each share of stock to be counted and regarded as one stockholder) shall consent thereto in writing, provided such sale shall be made at no less sum than the entire indebtedness of said company, at the time of such sale; and a deed of conveyance of such road, or of any part thereof, sold as aforesaid, by virtue hereof, executed by the president and attested by the secretary of said company, shall vest in the grantee all the rights, powers and privileges of the said company to said road, or any portion thereof, conveyed by such deed. And any person or persons are hereby authorized to purchase any part or parts of said road or toll-houses, subject to the provisions of the general plankroad law, and of the several amendments thereof; and the proceeds of such sale or sales, remaining after paying off the entire liabilities of said company, shall be divided among the stockholders, the same as if such moneys had been received for tolls.

§ 2. The said company is hereby authorized to borrow any sum of money the directors thereof may desire, not exceeding the amount of the present indebtedness of said company, and to apply the same to the payment of such indebtedness, so far as may be sufficient, and to no other purpose; for securing any amount so borrowed, to the person or persons loaning the same, the president of said company is hereby authorized to execute his official bond or bonds, for said company, for an amount in the aggregate, not exceeding the amount of the present indebtedness of said company, payable with lawful interest, at such time and times as the said directors may determine; and also to secure the payment of said bond or bonds, the said president is hereby authorized to execute, acknowledge and deliver, a mortgage or mortgages on the road of said company, and the franchises of said company, conditioned for the payment of the amount or amounts secured by said bond or bonds, in the manner and at the time therein specified; and if the said mortgage or mortgages shall be foreclosed, and a sale be had of said road, it is hereby declared that the corporate rights and franchises held by and belonging to said company, at the time of the execution of said mortgage or mortgages, shall, by virtue of said sale, pass to and vest in the purchaser or purchasers of such corporate property, and the said corporation shall not thereby be dissolved.

Company
authorized
to borrow
money.

May assess
stockhold-
ers, &c.

§ 3. The said directors are hereby authorized, upon the written consent of any number of the stockholders in such company, who shall, at the time, own at least two-thirds in amount of the capital stock thereof paid in, to assess the stockholders of said company, according to the amount of stock held by them respectively, such sum as shall be sufficient to pay off the present indebtedness of said company; the same shall be made payable in such sums and at such times as the said directors, by resolution, shall require. In case any stockholder shall refuse or neglect to pay any such assessment, within thirty days after the same shall have been demanded, the said directors are hereby authorized to declare the stock held by any such stockholder forfeited for the use and benefit of said company; but nothing herein contained shall be construed to authorize the said directors or company to prosecute for any such assessment, any stockholder not consenting to the assessment as hereinbefore provided.

May collect
tolls until
debts and
liabilities
are paid.

§ 4. Until the present debt and liabilities of said company are fully paid and discharged, and until the surplus annual receipts of tolls on said road, over necessary repairs and expenses, shall exceed seven per cent per annum on the first cost of such road, the said directors are hereby authorized to collect the same tolls per mile as are now allowed to be collected on plankroads; and the said company shall not be required to repair or relay their road with plank, but may repair the same with gravel or other hard or durable material.

§ 5. This act shall take effect immediately.

Chap. 292.

AN ACT to incorporate Brigham Hall, a hospital for the reception and care of the insane.

Passed April 13, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate
body.

SECTION 1. R. D. Cook, William G. Wayne, and all such other persons as shall associate for the purpose of enlarging and conducting the aforesaid Brigham Hall as

a hospital for the care and treatment of the insane at Canandaigua, in the county of Ontario, their successors and assigns, shall be and are hereby created a body corporate, by the name of the "President and Managers of Brigham Hall," and so to remain forever, and they are hereby constituted and declared to be a body corporate in fact and in name, and by that name they and their successors may have continued succession, and shall be capable in law of suing and be sued, pleaded and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatever, and that they and their successors may have a common seal, and may make and change the same at pleasure, and also that they and their successors by the same name, shall be capable in law of receiving, purchasing, holding and conveying any real and personal estate for the use and benefit of said hospital.

§ 2. The capital stock of said corporation shall consist of one hundred shares, of five hundred dollars each, such shares to be represented by certificates signed by the president and managers, and each stockholder shall be entitled to as many votes for managers of the said corporation as he or she may hold shares of the said stock. The affairs of said hospital shall be under the direction of a board of three managers, who shall be chosen annually by the stockholders of said corporation, and a majority of said managers shall elect one of their number president, and a full board shall be necessary for the transaction of the business of the said corporation, and they shall have power to make such by-laws, rules and regulations as may be necessary for the management of the affairs of said hospital, and any stockholder may, during his or her lifetime, convey said stock to such persons as shall be approved by the board of managers, and no others.

Capital
stock.

§ 3. The said president and managers of Brigham Hall shall appoint one or more physicians, who shall be well educated and experienced in the care and treatment of the insane, one of whom shall reside in the hospital; and they shall conduct the hospital under such rules and regulations as may be adopted by the managers, according to the provisions of this act of incorporation.

Physicians
to be ap-
pointed.

§ 4. The certificate of two respectable physicians that

Certificate

according to the amount of stock held by them respectively, such sum as shall be sufficient to pay off the present indebtedness of said company; the same shall be made payable in such sums and at such times as the said directors, by resolution, shall require. In case any stockholder shall refuse or neglect to pay any such assessment within thirty days after the same shall have been demanded, the said directors are hereby authorized to declare the stock held by any such stockholder forfeited for the use and benefit of said company; but nothing herein contained, shall be construed to authorize the said directors or company to *proecute for any such assessment, any stockholders not consenting to the assessment as hereinbefore provided.

§ 4. Until all the present debts and liabilities of said company are fully paid and discharged, and until the surplus annual receipts of tolls on said road, over necessary repairs and expenses, shall exceed seven per cent per annum on the first cost of such road, the said directors are hereby authorized to collect the same tolls per mile as are now allowed to be collected on plankroads; and the said company shall not be required to repair or relay their road with plank, but may repair the same with gravel or other hard or durable material.

§ 5. This act shall take effect immediately.

Chap. 291.

AN ACT to authorize the Middletown and Bloomingburgh Plankroad Company to sell or mortgage their road.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Directors
may sell
property,
&c.

SECTION 1. The directors of the Middletown and Bloomingburgh Plankroad Company are hereby authorized to sell, assign or convey, any part or parts, or the whole of their road, including the toll-houses thereon, or either thereof, whenever two-thirds of the stockholders of said

* So in original.

y (each share of stock to be counted and regarded stockholder) shall consent thereto in writing, pro- such sale shall be made at no less sum than the indebtedness of said company, at the time of such and a deed of conveyance of such road, or of any ereof, sold as aforesaid, by virtue hereof, executed president and attested by the secretary of said y, shall vest in the grantee all the rights, powers privileges of the said company to said road, or any thereof, conveyed by such deed. And any person ons are hereby authorized to purchase any part or said road or toll-houses, subject to the provisions general plankroad law, and of the several amend- thereof; and the proceeds of such sale or sales, ng after paying off the entire liabilities of said y, shall be divided among the stockholders, the s if such moneys had been received for tolls.

The said company is hereby authorized to borrow n of money the directors thereof may desire, not ng the amount of the present indebtedness of said y, and to apply the same to the payment of such dness, so far as may be sufficient, and to no other e; for securing any amount so borrowed, to the or persons loaning the same, the president of said y is hereby authorized to execute his official bond ds, for said company, for an amount in the aggre- ot exceeding the amount of the present indebted- said company, payable with lawful interest, at ne and times as the said directors may determine; o to secure the payment of said bond or bonds, the resident is hereby authorized to execute, acknow- nd deliver, a mortgage or mortgages on the road company, and the franchises of said company, oned for the payment of the amount or amounts y said bond or bonds, in the manner and at the erein specified; and if the said mortgage or mort- hall be foreclosed, and a sale be had of said road, reby declared that the corporate rights and fran- held by and belonging to said company, at the f the execution of said mortgage or mortgages, y virtue of said sale, pass to and vest in the pur- or purchasers of such corporate property, and the poration shall not thereby be dissolved.

Company
authorized
to borrow
money.

or property belonging to the late town, village or city of Williamsburgh, in the county of Kings, to pay over the same to the treasurer of the city of Brooklyn.

Receipt of
treasurer.

SECTION 2. The receipt of the treasurer of the city of Brooklyn for the payment of any such moneys, or the delivery of any such property, shall protect any such person or persons in their public or private capacity, or corporations so paying over or delivering the same, and relieve them from all liability or responsibility for or on account of any such moneys or property so paid over or delivered.

Money to
be placed
to credit of
city of Wil-
liamsburgh.

SECTION 3. All moneys or property recovered under this act shall be placed to the credit of the late city of Williamsburgh, and shall be appropriated in such manner as the joint board of supervisors of the county of Kings and the common council of the city of Brooklyn may direct.

SECTION 4. This act shall take effect immediately.

Chap. 297.

AN ACT to amend an act entitled "An act to amend and condense the several acts in relation to the village of Hamilton," passed May eleventh, eighteen hundred and forty.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter two hundred and sixty-six, of the Laws of eighteen hundred and forty, is hereby amended so as to read as follows :

Officers to
be elected.

§ 4. At each annual meeting of the said inhabitants, they shall elect a president of said village, four trustees, two assessors, one clerk, one collector, and two fire wardens, and who shall be residents of said village and entitled to vote therein, and who (except said trustees) shall hold their offices till the next annual meeting, and till others are chosen and have given notice in writing of their acceptance. The said trustees to be elected at the annual meeting for the year eighteen hundred and fifty-nine,

shall, after their election, be divided by lot into two classes, the first class to hold their office one year, and the second class two years; and after the year eighteen hundred and fifty-nine there shall be annually elected two trustees, who shall hold their offices for two years. At every annual meeting there shall be elected trustees to fill any vacancies that may exist in the board of trustees. All officers shall be elected by ballot, and there shall be separate ballots for each office, and shall be indorsed, respectively, "president," "clerk," "trustees," "collector," "assessors," "fire wardens;" and there shall be six boxes, separately labeled, for said respective offices, and the ballots of each voter shall be deposited in the boxes respectively designated therefor. The president and trustees shall be inspectors of elections. In case neither the president nor any trustee shall be present at any annual or special meeting, the electors present may appoint a chairman to preside, and such presiding officer shall be the inspector of any election then to be held. The president shall be, ex officio, a member of the board of trustees, and shall be entitled to a casting vote only; he shall preside at the meetings of the trustees, and shall call special meetings of the trustees when he shall think proper. It shall be his duty to receive complaints of the breach of any by-laws or ordinances, and shall see that the same are faithfully executed and observed; and it shall be the duty of the president (and the president only shall have power for that purpose) to prosecute, in the name of the corporation, for all offenses against such by-law and ordinances, and no fine, penalty or judgment shall be remitted, in whole or in part, without the consent of said president. Officers elected pursuant to this section, or the act hereby amended, shall be subject to the provisions of section twenty-six, of chapter four hundred and twenty-six, of the Laws of eighteen hundred and forty-seven.

§ 2. Subdivision one, of section nine, of said chapter two hundred and sixty-six, of the Laws of eighteen hundred and forty, is hereby amended so as to read as follows:

1. To appoint one of their number vice-president, whose duty it shall be to preside at any meeting, either of the inhabitants or themselves, in the absence of the

Vice-president.

or property belonging to the late town, village or city of Williamsburgh, in the county of Kings, to pay over the same to the treasurer of the city of Brooklyn.

Receipt of
treasurer.

SECTION 2. The receipt of the treasurer of the city of Brooklyn for the payment of any such moneys, or the delivery of any such property, shall protect any such person or persons in their public or private capacity, or corporations so paying over or delivering the same, and relieve them from all liability or responsibility for or on account of any such moneys or property so paid over or delivered.

Money to
be placed
to credit of
city of Wil-
liamsburgh.

SECTION 3. All moneys or property recovered under this act shall be placed to the credit of the late city of Williamsburgh, and shall be appropriated in such manner as the joint board of supervisors of the county of Kings and the common council of the city of Brooklyn may direct.

SECTION 4. This act shall take effect immediately.

Chap. 297.

AN ACT to amend an act entitled "An act to amend and condense the several acts in relation to the village of Hamilton," passed May eleventh, eighteen hundred and forty.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter two hundred and sixty-six, of the Laws of eighteen hundred and forty, is hereby amended so as to read as follows :

Officers to
be elected.

§ 4. At each annual meeting of the said inhabitants, they shall elect a president of said village, four trustees, two assessors, one clerk, one collector, and two fire wardens, and who shall be residents of said village and entitled to vote therein, and who (except said trustees) shall hold their offices till the next annual meeting, and till others are chosen and have given notice in writing of their acceptance. The said trustees to be elected at the annual meeting for the year eighteen hundred and fifty-nine,

shall, after their election, be divided by lot into two classes, the first class to hold their office one year, and the second class two years; and after the year eighteen hundred and fifty-nine there shall be annually elected two trustees, who shall hold their offices for two years. At every annual meeting there shall be elected trustees to fill any vacancies that may exist in the board of trustees. All officers shall be elected by ballot, and there shall be separate ballots for each office, and shall be indorsed, respectively, "president," "clerk," "trustees," "collector," "assessors," "fire wardens;" and there shall be six boxes, separately labeled, for said respective offices, and the ballots of each voter shall be deposited in the boxes respectively designated therefor. The president and trustees shall be inspectors of elections. In case neither the president nor any trustee shall be present at any annual or special meeting, the electors present may appoint a chairman to preside, and such presiding officer shall be the inspector of any election then to be held. The president shall be, ex officio, a member of the board of trustees, and shall be entitled to a casting vote only; he shall preside at the meetings of the trustees, and shall call special meetings of the trustees when he shall think proper. It shall be his duty to receive complaints of the breach of any by-laws or ordinances, and shall see that the same are faithfully executed and observed; and it shall be the duty of the president (and the president only shall have power for that purpose) to prosecute, in the name of the corporation, for all offenses against such by-law and ordinances, and no fine, penalty or judgment shall be remitted, in whole or in part, without the consent of said president. Officers elected pursuant to this section, or the act hereby amended, shall be subject to the provisions of section twenty-six, of chapter four hundred and twenty-six, of the Laws of eighteen hundred and forty-seven.

§ 2. Subdivision one, of section nine, of said chapter two hundred and sixty-six, of the Laws of eighteen hundred and forty, is hereby amended so as to read as follows:

1. To appoint one of their number vice-president, whose duty it shall be to preside at any meeting, either of the inhabitants or themselves, in the absence of the

Vice-president.

president. To prevent vice or immorality ; to preserve the peace and good order ; to prevent and quell riots and disorderly assemblages ; and for this purpose the said president, or any two of the trustees, shall have power at any and all times to cause to be arrested, by any persons, pursuant to law, any disorderly persons, or any drunken persons or common prostitutes found in the streets or public grounds or parks of said village, or in any public meeting or assembly ; and shall have power to cause to be entered, by any persons, without process, any building or any place within said village, for the purpose of arresting, and to arrest, all disorderly persons, drunkards, rioters and common prostitutes, and to cause them to be taken before any justice of the peace residing in said village, to be by him dealt with according to law, and to be required to enter into sureties for good behavior ; and shall have power to cause persons to be detained until a justice of the peace can be found to attend to the hearing of the case ; and shall have power at any and all times, to command the assistance of any inhabitant of said village to quell all disturbances, riots or rows, and to aid in the arrest of any disorderly persons, drunkards, or common prostitutes aforesaid ; and a refusal by any individual to comply with any reasonable direction of said president, or any two of said trustees, under any authority conferred by this section, shall subject the individual so refusing to a fine not exceeding twenty-five dollars, and imprisonment till paid, not to exceed thirty days.

§ 3. Subdivisions one, two, three and eleven of section nine of said chapter two hundred and sixty-six are hereby amended so as to read as follows :

Vacancies,
&c.

1. To appoint one of their number to preside at any meeting, either of the inhabitants or themselves, in the absence of the president and vice-president, and to fill any vacancies in the board of trustees, or in any of the offices, except that of the president, caused by death, removal or other cause.

2. When authorized by a vote of the corporation to purchase and hold such real estate as may be necessary for any of the purposes contained and authorized in this act, to purchase fire engines and other usual and necessary apparatus and implements for extinguishing fires,

and to erect houses for the safe keeping thereof, and to erect a lock-up or place of confinement and safe keeping of disorderly persons and of persons under arrest.

3. To appoint one or more overseers of highways for said village, who shall hold his or their office during the pleasure of the trustees, which said overseer or overseers shall possess all the powers and perform all the duties which overseers of highways now possess and perform; shall be subject to the direction and control of the trustees, and to removal by them at pleasure.

11. To prevent and remove obstructions in the streets and upon the sidewalks, and to provide for the draining, filling up, grading, paving, flagging and planking the streets and sidewalks. But whenever it shall be proposed by said trustees to grade or cut down any sidewalk or street, or in any other manner substantially to alter, change or injure the freehold of the owner or owners of any lot or premises adjacent to such street or sidewalk, the trustees shall give to the owner or owners of such lot or premises, or to the occupant or occupants thereof, written notice of the proposed acts in reference to said sidewalk or street, specifying with reasonable certainty said proposed acts, with the time and place when and where the said trustees will meet to hear the said owner or owners, or other persons interested, in relation thereto, which notice shall be served personally at least ten days before the hearing. Upon such hearing, the trustees shall, if they determine that said proposed acts are proper and necessary, estimate the damages of said owner or owners by reason of said proposed acts; said trustees shall thereupon call a special meeting of the inhabitants for the purpose of voting a tax to pay the said damages so estimated by said trustees; and until the amount so estimated by said trustees shall be paid, either by the collection of a tax for that purpose duly voted, or by voluntary contribution of the citizens, said proposed acts shall not be done or performed by said trustees, or by them in any manner caused to be done or performed.

Obstructions,
etc.

§ 4. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 298.

AN ACT to encourage and promote education in the village of Corning.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
education.

SECTION 1. The trustees of school district number nine, in the town of Corning, county of Steuben, shall constitute a board to be styled the board of education of the village of Corning, which shall be a corporate body, with a seal, in relation to all the powers and duties conferred upon them by this act, and shall be elected from time to time as now provided by law. A majority of the board shall constitute a quorum. The first meeting of said board shall be held on the second Wednesday of May, eighteen hundred and fifty-nine; and the annual meetings of said board, in each year thereafter, shall be held on the first Tuesday in October in each year. At the first meeting of the board, and annually thereafter, at the annual meeting, they shall elect one of their number president of the board, and whenever he shall be absent, a president pro tempore may be appointed. The said trustees shall receive no compensation for their services, nor shall they be interested, directly or indirectly, in any contract for building or for making any improvements or repairs provided for by this act.

Trustees to
meet, &c.

§ 2. The said trustees shall meet for the transaction of business as often as once in each month, and may adjourn for any shorter time. Special meetings may be called by the president, or in his absence or inability to act, by any member of the board, as often as necessary, by giving personal notice to each member of the board, or by causing written or printed notice to be left at his last place of residence, at least twenty-four hours before the hour for such special meeting.

Trustees to
appoint
secretary
and treasurer.

§ 3. The said trustees shall appoint a secretary and treasurer, who shall hold their offices during the pleasure of the board, and whose compensation shall be fixed by the board. The said secretary shall keep a record of the proceedings of the board, and perform such other duties

as the board may prescribe. The said record, or transcript thereof certified by the secretary, shall be viewed in all courts as prima facie evidence of the facts therein set forth, and such record, and all the books, accounts, vouchers, and papers of said board, shall at all times be subject to the inspection of the people of the district.

§ 4. The trustees aforesaid shall have power, and it shall be their duty, to raise from time to time, by tax to be levied upon all the real and personal estate in said district which shall be liable to taxation, as provided for by law for school purposes, as the board of education shall deem to be necessary and proper for any and all of the following purposes:

Powers of trustees.

1. To purchase, lease, or improve sites for school-houses or sites with buildings thereon for the same purpose.

2. To build, purchase, lease, enlarge, alter, improve and repair school-houses and their out-houses and appurtenances.

3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to authorize the furnishing with class or text books any scholar whose parents or guardians shall be able to furnish the same.

4. To procure fuel, and defray the contingent expenses of the common schools, including the academical department therein, and the expenses of the school library of said district, and the necessary expenses of said board, including the salary of the secretary of the board, and the compensation allowed the librarian and treasurer.

Ind.

5. To pay teachers' wages after the application of public moneys which may by law be appropriated and provided for that purpose.

6. The amount raised for teachers' wages and contingent expenses shall not be less than twice nor more than six times the amount appropriated to said district, from the common school fund of the state during the previous year, nor shall there be raised in any one year for buying sites, or sites with buildings thereon, erecting and repairing school-houses and the appurtenances, a sum exceeding two thousand dollars, except as herein otherwise provided for. And the board of education are authorized and directed, when necessary, to borrow, in anticipation,

the amount of taxes so to be raised, collected and levied as aforesaid, and to give the bonds of the district, signed by the president of the board of education and under the seal of the district, as security for the repayment of the moneys so borrowed.

Moneys to be paid to treasurer of district.

§ 5. All moneys required to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said district, whether from the school or literature funds, or under the act to establish free schools throughout the state, or otherwise, shall be paid to the treasurer of said district, who, together with the sureties on his official bond, shall be accountable therefor in the same manner as the treasurer of the county of Steuben is for moneys which come into his hands, and shall be liable to the same penalties for official misconduct.

Treasurer to pay certain moneys &c.

§ 6. The treasurer shall pay out the moneys authorized by this act, to be received by him, upon drafts drawn by the president, and countersigned by the secretary of said board of education, which drafts shall not be drawn, except in pursuance of a resolution or resolutions of said board, and shall be made payable to the person or persons entitled to receive the same.

Power and duty of board of education.

§ 7. The said board shall have power, and it shall be their duty :

1. To organize and establish such and so many schools in said district, as they shall deem requisite and expedient, and to alter and discontinue the same.

2. To purchase and hire school rooms or houses, lots or sites for school-houses, or sites with buildings thereon, to be used as school-houses. and to fence and improve such sites as they may deem proper.

3. Upon such lots, and upon such sites owned by said district, to build, enlarge, alter, improve and repair school-houses and appurtenances as they may deem advisable.

4. To have the custody and safe keeping of the school-houses, out-houses, books, furniture and appurtenances, and to see that their ordinances in relation thereto are observed.

5. To contract with, license and employ all teachers in said schools, and the academical department therein, and at their pleasure to remove them.

6. To pay the wages of the teachers in said schools, out

of the moneys appropriated and provided by law for the support of common schools in said district, and the wages of the teachers of the academical department out of the moneys appropriated to said department, from the income of the literature and United States deposit funds, so far as the same shall be sufficient, and the residue of the wages of the teachers in said schools and academical department, from the moneys authorized to be raised for that purpose, by section fourth of this act, by tax upon said district.

7. To defray the contingent expenses of the said common schools and academical departments, and the expenses of the school library of said district, and the necessary and contingent expenses of the board, including the annual salary of the secretary and treasurer, and librarian.

To defray
contingent
expenses,
&c.

8. The said board to have in all respects the superintendence, supervision and management of the common schools of said district, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, or the reception of pupils, and their transfer from one school to another, and generally for their good order, prosperity and utility; and to have power to establish in said schools an academical department, to receive into said schools or academical department pupils residing out of said district, and to regulate and establish the tuition fees of such non-resident pupils in the several departments of said schools, and in such academical department, and to collect such fees in the name of said district. To regulate the transfer of scholars from the primary to the academical department, to direct what text books shall be used in said schools and academical department, to provide and keep in repair school apparatus, books for indigent pupils, furniture and appendages, fuel and other necessities for the schools and academical department

9. To sell, whenever in their opinion it may be advisable, any of the school-houses, lots or sites and appurtenances, or any of the school property now or hereafter belonging to the said district. Such sale shall in no case be made, however, unless a petition setting forth the necessity or expediency thereof shall first be presented by said board, to the county court of Steuben county,

To sell any
of school-
houses, &c.

the amount of taxes so to be raised, collected and levied as aforesaid, and to give the bonds of the district, signed by the president of the board of education and under the seal of the district, as security for the repayment of the moneys so borrowed.

Moneys to
be paid to
treasurer of
district.

§ 5. All moneys required to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said district, whether from the school or literature funds, or under the act to establish free schools throughout the state, or otherwise, shall be paid to the treasurer of said district, who, together with the sureties on his official bond, shall be accountable therefor in the same manner as the treasurer of the county of Steuben is for moneys which come into his hands, and shall be liable to the same penalties for official misconduct.

Treasurer
to pay cer-
tain moneys
&c.

§ 6. The treasurer shall pay out the moneys authorized by this act, to be received by him, upon drafts drawn by the president, and countersigned by the secretary of said board of education, which drafts shall not be drawn, except in pursuance of a resolution or resolutions of said board, and shall be made payable to the person or persons entitled to receive the same.

Power and
duty of
board of
education.

§ 7. The said board shall have power, and it shall be their duty :

1. To organize and establish such and so many schools in said district, as they shall deem requisite and expedient, and to alter and discontinue the same.

2. To purchase and hire school rooms or houses, lots or sites for school-houses, or sites with buildings thereon, to be used as school-houses, and to fence and improve such sites as they may deem proper.

3. Upon such lots, and upon such sites owned by said district, to build, enlarge, alter, improve and repair school-houses and appurtenances as they may deem advisable.

4. To have the custody and safe keeping of the school-houses, out-houses, books, furniture and appurtenances, and to see that their ordinances in relation thereto are observed.

5. To contract with, license and employ all teachers in said schools, and the academical department therein, and at their pleasure to remove them.

6. To pay the wages of the teachers in said schools, out

of the moneys appropriated and provided by law for the support of common schools in said district, and the wages of the teachers of the academical department out of the moneys appropriated to said department, from the income of the literature and United States deposit funds, so far as the same shall be sufficient, and the residue of the wages of the teachers in said schools and academical department, from the moneys authorized to be raised for that purpose, by section fourth of this act, by tax upon said district.

7. To defray the contingent expenses of the said common schools and academical departments, and the expenses of the school library of said district, and the necessary and contingent expenses of the board, including the annual salary of the secretary and treasurer, and librarian.

To defray
contingent
expenses,
&c.

8. The said board to have in all respects the superintendence, supervision and management of the common schools of said district, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, or the reception of pupils, and their transfer from one school to another, and generally for their good order, prosperity and utility; and to have power to establish in said schools an academical department, to receive into said schools or academical department pupils residing out of said district, and to regulate and establish the tuition fees of such non-resident pupils in the several departments of said schools, and in such academical department, and to collect such fees in the name of said district. To regulate the transfer of scholars from the primary to the academical department, to direct what text books shall be used in said schools and academical department, to provide and keep in repair school apparatus, books for indigent pupils, furniture and appendages, fuel and other necessities for the schools and academical department

9. To sell, whenever in their opinion it may be advisable, any of the school-houses, lots or sites and appurtenances, or any of the school property now or hereafter belonging to the said district. Such sale shall in no case be made, however, unless a petition setting forth the necessity or expediency thereof shall first be presented by said board, to the county court of Steuben county,

To sell any
of school-
houses, &c.

and an order authorizing such sales, and specifying the terms and conditions thereof, shall be granted by said court. All moneys arising from such sale shall be paid to the treasurer of the district, and all securities taken on account of any such sale or sales shall be made payable to him.

To report
to village
trustees
ordinances,
&c.

10. To prepare and report to the trustees of the village of Corning, such ordinances and regulations as may be necessary and proper, for the protection, safe keeping, care and preservation of school-houses, lots and sites, and appurtenances, and all the property belonging to the district, and to suggest proper penalties for the violation of such ordinances and regulations.

Report to
be made.

11. To make and transmit to the county clerk, or such other officer as may be designated by law, a report in writing, bearing date the first day of October, in the year of its transmission, and stating:

1. The number of school-houses in said district, and an account and description of all common schools kept in said district during the preceding year, and the time they have been severally taught.

2. The number of children taught in said schools respectively, and the number of children over the age of four years, and under the age of twenty-one years, residing in said district on the last day of September in each year.

3. The whole amount of school moneys received by the treasurer of said district during the preceding year, distinguishing the amount received from a tax on the district, and from other sources.

4. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause.

5. The amount of moneys received for tuition fees from foreign pupils during the year, and the amount paid for teachers' wages, in addition to the public moneys, and with such additional information relating to the common schools of the district as may, from time to time, be required from the state superintendent of common schools.

Schools to
be visited,
&c.

§ 8. The board of education shall provide that each school shall be visited by a committee of one or more of their number, at least once in each term.

§ 9. Every academical department to be established as aforesaid, shall be under the visitation of the regents of the university, and shall be subject to its course of education, and matters pertaining thereto (but not in reference to the buildings or erections in which the same is conducted, unless in case the buildings or erections aforesaid are separate from those of the common school department). to all the regulations made in regard to academies by the said regents; and in such department the qualifications for the entrance of any pupil shall be the same as those established by the said regents, for admission into any academy of the state under their supervision; and such academical departments shall share in the distribution of the income of the literature fund, and of the income of the United States deposit fund, with academies in the state subject to the visitation of the regents of the university.

Visited by
regents, &c.

§ 10. It is hereby provided, that in case the board of education shall deem it expedient to erect a building for an academy in said district, they shall submit the question to a vote of the taxpayers of the district, at the annual meeting, or at a special meeting called for that purpose, specifying the amount to be raised and the manner of raising it, which vote shall be taken by ballot, and if a majority of the persons voting shall be in favor of the propositions of the board of education, then they shall have power to raise the sum of money voted for that purpose, by a tax upon the real and personal property in said district, which shall be liable to taxation for town and county charges, in like manner as other taxes are raised in said district; and the board of education are authorized and directed, when necessary, to borrow, in anticipation, the amount of taxes to be raised, collected and levied as aforesaid, and to give the bonds of the district, signed by the president of the board of education, and under the seal of the district, as security for the repayment of the moneys so borrowed. The moneys to be raised and paid in annual installments or otherwise, as the board shall deem expedient.

Buildings
may be
erected,
&c.

§ 11. This act shall extend over and be applicable to all the territory lying within the bounds of district number nine, of the town of Corning; and the office of

Extent of
act, &c.

county or district superintendent of common schools, so far as is applicable to the said district, is hereby abolished.

§ 12. This act shall take effect immediately, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Chap. 299.

AN ACT relating to the city of Rochester, and to amend the charter thereof.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. An act entitled "An act to amend and consolidate the several acts relating to the city of Rochester," passed April tenth, eighteen hundred and fifty, is hereby further amended as follows :

Common
council to
levy tax.

§ 2. The common council may, at the time of levying the general city taxes, in the year one thousand eight hundred and fifty-nine, levy and raise a sum not exceeding five thousand dollars, to meet the deficiency in the amount heretofore raised for the current year, to defray the expenses of fire engines, engine-houses, apparatus and preparation for prevention and extinguishment of fires, which amount may be anticipated by law, the interest to be charged to fire department fund.

§ 3. Subdivision eleven of section one hundred and sixty-nine is amended by striking out the word "September," and inserting the word June in its place.

§ 15
amended.

§ 4. Section fifteen of the act entitled "An act relating to the city of Rochester, and to amend the charter thereof," passed April first, eighteen hundred and fifty-eight, is amended by striking out the words "the board of assessors shall have power to employ not more than two clerks, whose compensation shall be fixed by the common council."

§ 185
amended.

§ 5. Section one hundred and eighty-five is hereby amended by adding at the end thereof, as subdivision five, the words following, namely :

Whenever any contract shall be let for any public or

local improvement, the contractor shall execute to the city of Rochester a bond or undertaking, in the sum of not less than the amount of the contract (or to be fixed by the common council, in case such amount be indefinite), with three or more sureties, who shall be freeholders of the county of Monroe, each of whom shall, before being accepted, make oath and justify that he is worth the sum named in said bond or undertaking, over and above all debts and liabilities, and exclusive of property exempt from sale on execution. Such bond or undertaking, before being accepted, shall be approved, as to form, and the sureties thereof, by the mayor; and no contract shall be binding on the city, until a bond or undertaking so executed and approved shall be deposited with the mayor, to be safely kept in his office for the benefit of the parties secured thereby. Such bond or undertaking shall bind the contractor to pay or cause to be paid the wages and compensation of all laborers who shall be employed in work on or about such improvement, whether employed by him or any subcontractor or employee. Actions and proceedings on such bond or undertaking shall be brought by and in the name of the labor* or laborers claiming to be secured thereby, and separate actions may be brought by each, or any number united of such laborers, or one action by all; but the city shall not in any manner, be liable or responsible by reason of such bond or undertaking, or for any costs or expenses of any action or proceedings thereon. No action shall be commenced on such bond or undertaking after six months from the time when the cause of action accrued; and after the expiration of six months from the time when the whole work contracted shall be accepted by the city, the common council, on application, shall by resolution, declare such bond or undertaking canceled and discharged, except as to actions, appeals and proceedings then pending; and such bond or undertaking shall thereupon cease to have any binding force or effect, except as to pending cases as aforesaid.

§ 6. The common council of the city of Rochester may, and are hereby authorized to extend the time for the collection of unpaid taxes and assessments, for the municipal year ending the first Monday of April, in the year one thousand eight hundred and fifty-nine, and

Extension
of time for
the collec-
tion of taxes

* So in original.

shall, at the same time also, by resolution, extend and fix the time limited in the city charter, for the sale of all real estate charged with any taxes or assessments which shall remain due and unpaid more than thirty days previous to the first day of March, in the year one thousand eight hundred and fifty-nine.

§ 7. Section two hundred and sixty-one of said charter, is hereby amended by adding to the same, the following:

Duty of
police
justice.

It shall also be the duty of said police justice of said city to keep a book, in which shall be entered the name of every person by him let to bail, or from whom any recognizance shall be taken; the charge upon which such person is brought before said justice; the amount of such recognizance or bail piece, and the name of the surety or sureties; the recognizance or bail piece so taken shall, as soon as entered, and within two days after being so taken, be filed in the office of the treasurer of Monroe county. The chief of police and all members of the common council of said city shall, at all times, be permitted to examine the said book. In case of the habitual neglect of the said police justice to enter* return such bail pieces or recognizances as herein provided, he may be removed from office by the common council of said city.

Additional
tax to be
raised to
keep in re-
pair certain
avenues, &c

§ 8. In addition to the sum authorized to be raised in each year for the construction and repair of highways, the common council of said city are hereby authorized to raise by tax on said city, annually, a sum not exceeding three thousand and three hundred dollars, for the purpose of keeping in repair each of the following avenues, or such of them as have been permanently improved: North street, from Atwater street to the city line; New Main street, from Scio street to the city line; East avenue, from Main street to the city line; Monroe street, from Clinton street to the city line; Mount Hope avenue, from the Erie canal to the city line; West avenue, from the Erie canal to the city line; Lyell street, from State street to the city line; Lake avenue, from Ambrose street to McCracken street; Plymouth avenue, from the Genesee Valley canal to the city line; South avenue, from the Erie canal to the city line; North St. Paul street, from the railroad to the city line. But not more than three hundred dollars for each of said streets or avenues shall

* So in original.

be raised, or be expended upon the same in any one year. The common council shall appoint as many commissioners as there are avenues aforesaid, whose duty it shall be, without pay or reward, to oversee the repairs to be made on said avenues, and the expenditure of said sums so to be raised; of such commissioners there shall be one appointed for each avenue, and his duties shall be exclusively restricted to said avenue for which he is appointed, and on which he shall be a resident and a taxpayer at the time of his appointment. But no money shall be raised for, nor expended upon either of the above streets or avenues, unless such street or avenue shall have previously been permanently improved between the points above mentioned, either by being paved or macadamized, or paved and macadamized, and a permanent curb-stone set on each side of said avenue or street.

§ 9. Section two hundred and eleven of said charter is hereby amended by inserting after the word "improvement," in the ninth line, as follows: The common council may determine by resolution, previous to or at the time of the adoption of the final ordinance for any local improvement, when the estimate of such improvement shall exceed in the aggregate the sum of two thousand dollars, that the taxpayers for such improvement may, by paying interest as hereinafter provided on the amount assessed individually to them, pay their assessments in not more than three equal payments, as follows: One-third of the amount assessed within three months after the confirmation of the assessment roll without interest, one-third of the amount with interest at the rate of seven per cent per annum within one year from the confirmation of said roll, and the remaining one-third with interest at the same rate within two years from the confirmation of such roll, and such ordinance, when published, shall embrace in its provisions the terms of payment for such improvement, which shall be paid for on the same terms extended to the taxpayers thereof.

§ 10. The common council of the city of Rochester may issue the bonds of said city, payable at such time and place and with such rate of interest not exceeding seven per cent per annum, and in sums as the common council shall direct, to an amount not exceeding thirteen thousand dollars. They shall be executed under the cor-

Bonds may
be issued,
&c.

porate seal of the city and signed by the mayor or such other officer of the city as the common council may designate, and may be payable to the holder or bearer thereof, and in such case shall be transferable by delivery, and which said bonds shall be used and negotiated by the said common council for the following purpose, and no other, viz.: To defray the expense incurred, or to be incurred, in the construction of a culvert or bridging at Deep Hollow, so called, where State street in said city crosses the same, in addition to the amount already raised for that purpose, and in perfecting said improvement. The common council shall add to the general tax of each year a sum sufficient to pay so much of said debt and interest as may become due during the following year, the payment of which shall not otherwise have been provided for.

§ 11. This act shall take effect immediately.

Chap. 300.

AN ACT to authorize increased compensation to the contractors on section number two hundred and seven of the Erie canal enlargement.

Passed April 13, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the canal board, in accordance with a resolution passed by said board on the thirtieth day of September, eighteen hundred and fifty-eight, to allow to the contractors on section number two hundred and seven of the Erie canal enlargement, situated on the Cayuga marshes, in the county of Wayne, for the embankment and lining on said section, in addition to the contract price, provided that said contractors shall prosecute the work in such a manner as to insure the completion thereof by the first day of December next, unless prevented by the state authorities from completing the same by that time, such sum as shall in their opinion, under the circumstances of the case, be just and equita-

ble. But such increased compensation shall not exceed ten cents per cubic yard.

§ 2. Whatever allowance shall be made by the canal board under the preceding section, shall be added to the present contract price per yard for the items above mentioned, and the estimates shall be made in accordance therewith.

§ 3. The treasurer shall pay, on the warrant of the auditor, to the contractors or their assigns, such sum, not exceeding twenty-five thousand dollars, as the canal board shall allow under section one of this act, out of any moneys in the treasury applicable to the Erie canal enlargement, not otherwise appropriated.

Chap. 301.

AN ACT to incorporate the Union Stage Association of Westchester county, New York.

Passed April 13, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Edward Baack, Frederick Grote, John Murphy, C. V. Folin, George W. Alexander, John C. Metcalf, Smith Weeks and William Baker, shareholders of the Union Stage Association, and such other persons as now hold stock in said association, and such as may hereafter associate with them and become stockholders pursuant to this act, are hereby constituted a body corporate, by the name and title of the Union Stage Association of Westchester county, New York, for the purpose of establishing and maintaining a line of stages, to convey passengers to and from Fremont and Harlem, and such other points or places in the towns of West Farms and Morrisania in said county, as may be deemed necessary and expedient by the directors of said corporation.

SECTION 2. The capital stock of said corporation may be increased from time to time, to fifteen thousand dollars, including the several shares held by the Union Stage Association aforesaid, and valued at three dollars each per share, and to be taken as so much of such capital

stock in the same; the balance of said capital stock shall be divided into shares of three dollars each.

Board of directors, &c.

SECTION 3. The concerns of said corporation shall be managed by a board of directors, to consist of the president, vice-president, secretary, assistant secretary and treasurer, and such other number of stockholders not exceeding four, as the corporation by its articles of association may enact. The board of directors thus created shall be elected annually, on the second Monday in March of each year, at such hour and place in the village of Fremont as the directors for the time being shall appoint. The directors thus elected shall hold their offices for one year, and until others are chosen in their places. The first election of directors under this act shall be held on the second Monday in March, eighteen hundred and sixty. Three weeks' notice of such annual meeting and election shall be given yearly by a publication at least once in each week, in a newspaper published in said county of Westchester, and printed or written notices thereof shall be posted in at least six conspicuous places of the towns of West Farms and Morrisania. Each stockholder shall be entitled to one vote upon each share of stock held by him, or her, for at least ten days previous to an election; and in case of shares being held by minors, the father or guardian of such minor shall be entitled to cast the votes appertaining to such shares. Voting at elections shall be by ballot, and may be in person or by proxy, as the articles of association may enact.

Officers.

SECTION 4. The officers elected, as provided for in the first part of section three, shall also hold the same relative rank, and perform the duties appertaining to their several offices, at the regular meetings of the association.

By-laws.

SECTION 5. The association may make and ordain such by-laws and regulations as they may deem necessary and proper for the management of its business, and for accomplishing the purposes of the corporation. The five officers (viz., the president, vice-president, secretary, assistant secretary and treasurer) to be elected at a public meeting of stockholders, on the second Monday in May, eighteen hundred and fifty-nine, shall be the first directors under this act, and shall hold their offices until the said second Monday of March, eighteen hundred and sixty, and until their successors are elected. In case of

any vacancy happening in the board of directors by reason of death, resignation, or other sufficient cause, it may be filled by the remaining directors, until the next regular *quarterly meeting of the stockholders, when the vacancy may be filled by electing a successor. The directors herein named may appoint three stockholders, to be inspectors at the first election held after the passage of this act, after which the stockholders shall choose three such inspectors at the annual election. If no inspectors are chosen, the directors may appoint from time to time. The directors may remove all officers appointed by them, and appoint others in their places, and fill all vacancies thus made. If at any time an election of directors shall not take place on the day appointed by this act, the corporation for that cause shall not be dissolved, but an election may be held on any other day, in such manner as shall be prescribed by the directors, or provided for by the by-laws. Said corporation may have and use a common seal, may purchase, hold and convey such personal estate and real estate, not exceeding in amount five thousand dollars, as may be required for the purpose of its creation, not exceeding in value the amount of its capital stock, and may do all other acts necessary and proper to enable it to carry out legitimately the objects of its corporation, as expressed in the first section of this act. The stock of said company shall be deemed personal property, and shall be assignable and transferable. Each stockholder shall enter his name in the subscription book kept by said association, and on payment receive a certificate from the president and secretary of said corporation, setting forth the number of the shares, the amount of each share, and date when subscribed, that each stockholder owns in said association; and in case said stockholder shall lose said certificate, the president and secretary of said corporation shall, on the oath, if necessary, of said stockholder, that he has lost said certificate, issue another to said applicant, which new certificate shall be entered on the books of said corporation. No transfer of said stock or shares shall be lawful and valid to said corporation or to the purchaser of said stock or shares, until the sale or transfer shall have been recorded on the books

Vacancy.

Election of
directors,
&c.Stock to be
personal
property.

* So in original.

Books to be
kept, &c.

kept by said corporation, in its proper place, and certificate given as above directed. The directors shall at all times keep or cause to be kept proper books of account, in which shall be regularly entered all the transactions of the corporation, which book shall be subject to the inspection of the stockholders at all times, and to make and declare dividends out of the profits of their business, if any there be, at least once a year, if in the judgment of a majority of the directors it shall be thought expedient. The said corporation shall possess the general powers, and be subjected to the general restrictions and liabilities, prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes of this state. The stockholders of the said company are hereby declared to be liable in their individual capacity, for the payment of all debts of said company, in proportion to the amount of stock they severally hold in said company, to be recovered of the stockholder who is such when the debt is contracted, or of any subsequent stockholder; but such subsequent stockholder shall be liable to repay to any previous holder of his stock, any amount which may have been collected of or paid by such previous holder, under the provisions of this section; but no suit shall be brought against the stockholders individually, until an execution against the company shall have been returned unsatisfied in whole or in part.

Stockholders
liable,
&c.

SECTION 6. This act shall take effect immediately.

Chap. 302.

AN ACT in relation to taxes and assessments in the city of New York, and to amend the several acts in relation thereto.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners to be appointed.

SECTION 1. Immediately upon the passage of this act, there shall be appointed by the comptroller of the city of New York three commissioners, who shall form a board and be designated commissioners of taxes and

assessments for the city and county of New York, who shall hold their office for the term of five years and until others are appointed in their places. Any vacancy in said board of commissioners, from death, or resignation or otherwise, shall be filled by said comptroller for the balance of the term for which such commissioners are appointed. The annual compensation for each commissioner shall be three thousand five hundred dollars, to be paid monthly by the comptroller out of the county treasury.

§ 2. The offices of ward assessors in the city of New York, and commissioners of taxes and assessments, as heretofore existing, are hereby abolished, and the powers and duties now or heretofore vested in and performed by the officers thereof, relative to the assessment of real and personal estate, shall hereafter be vested in and performed by the officers provided for by this act, and in the manner hereinafter provided; and the provisions now existing in respect to the mode and manner of making assessments in the city of New York, as far as the same are conformable to the supervision of the commissioners of taxes and assessments, are hereby made applicable to the officers provided for by this act.

Ward
assessors
abolished.

§ 3. The board of commissioners of taxes and assessments shall appoint not to exceed twelve persons, to be known as deputy tax commissioners, who shall perform, under their direction and supervision, the duties heretofore performed by the assessors of the several wards of said city, or such other duties as they shall prescribe. They shall hold their office during the pleasure of the said commissioners, and shall receive such compensation as may be determined by the said comptroller and board of commissioners, not to exceed the sum of two thousand dollars per annum to each of said deputies, to be paid by the comptroller out of the county treasury.

Deputy tax
commis-
sioners.

§ 4. The said board of commissioners may appoint such number of regular and extra clerks as in their judgment may be necessary to perform such duties as may be prescribed by said commissioners, who shall hold their office during the pleasure of said commissioners, and shall receive for their services such compensation as may be fixed by the comptroller and the board of commissioners, not exceeding at the rate of twelve hundred dollars per

Clerks.

annum for the time employed, to be paid by the comptroller out of the county treasury.

Surveyor.

§ 5. The said board of commissioners shall appoint a surveyor from one of the city surveyors, whose duty it shall be to make the necessary surveys and corrections of the ward maps, and also all new maps which may be required for the more accurate assessment of real estate. He shall hold his office at the pleasure of the commissioners, and shall receive for his services three thousand dollars per annum.

Offices to be assigned.

§ 6. The board of supervisors of the city and county of New York shall provide for and assign to the commissioners, and their deputies, a suitable and convenient office or offices in any of the public buildings in the city of New York, or elsewhere in the city of New York, together with the requisite and necessary books, stationery, lights and fuel, and which said office or offices shall be kept open during the usual days and hours, as the other offices are by law required to be kept open, for the transaction of business. The books, maps, assessment rolls, and other papers now pertaining to the office of commissioners of taxes and assessments, shall be transferred to the custody and control of the commissioners of taxes and assessments appointed under this act, and shall continue to be public records, and, at all reasonable times, shall be open to public inspection.

Duty of deputy tax commissioners.

§ 7. It shall be the duty of the deputy tax commissioners, under the direction of the commissioners of taxes and assessments, to assess all the taxable property in the several districts that may be assigned to them for that purpose by said commissioners, and shall furnish to them, under oath, a detailed statement of all such property: that said deputies have personally examined each and every house, building, lot, pier or other assessable property, giving the street and ward, map number of such real estate embraced within said districts, together with the name of the owner or occupant, if known; also, in their judgment, the sum for which such property, under ordinary circumstances, would sell, with such other information, in detail, relative to personal property, or otherwise, as the said commissioners may from time to time require. Such deputies shall commence to assess real and

al estate on the first Monday of September, in each
every year.

The said commissioners shall keep in their office,
to be provided for that purpose by the comptroller,
called "the annual record of the assessed valuation
l and personal estate," in which shall be entered
ail the assessed valuations of such property within
ty and county of New York, and which said books
be open for examination and correction from the
Monday of January until the first day of May in
nd every year, but on said last mentioned day, the
shall be closed to enable the commissioners to pre-
assessment rolls of the several wards, for delivery
supervisors, as hereinafter provided.

Annual
record to
be kept.

The said commissioners, previous to and during
ne said books are open for inspection, shall advertise
ct in the several newspapers, or in such manner as
may deem most advisable, and the charges therefor,
ed by the commissioners, shall be audited and
d by the supervisors as a county judge.

Advertising
by commis-
sioners.

O. During the time the books shall be open to pub-
pection, as hereinbefore provided, application may
de by any person considering himself aggrieved by
essed valuation of his real or personal estate, to
he same corrected. If such application be made
tion to the assessed valuation of real estate, it must
de in writing, stating the ground of objection there-
d thereupon the commissioners shall examine into
mplaint, and if in their judgment the assessment is
ous, they shall cause the same to be corrected. If
pplication be made in relation to the assessed valua-
t personal estate, the applicant shall be examined
oath by the said commissioners, who shall be
ized to administer such oath, or any of them,
in his or their judgment the assessment is erro-
they shall cause the same to be corrected, and fix
mount of such assessment, as they may believe to be
and declare their decision thereon, within thirty
after such application shall have been made to

Books to be
kept open,
&c.

No reduction shall be made by the board of super-
of any assessment on real or personal estate, im-
under this act, unless it shall appear under oath or
tion, that the party aggrieved was unable to

attend within the period prescribed for the correction of taxes, by reason of sickness or absence from the city.

Intention of act.

§ 11. It being the intention of this act to provide for the better equalization of the taxation in the city and county of New York, the commissioners may at any time before the second day of April, in each year, increase or diminish at any time before the closing of the books of annual record on the first day of May in each year, the assessed valuation of any real or personal estate in said city, as in their judgment may be necessary for such equalization; but they shall not increase such valuations after said books are open for correction and review, except upon notice being given to the party affected by such increase, twenty days before the closing of said books.

Valuations.

Assessment rolls to be made.

§ 12. On the first day of May, in each year, the commissioners shall cause to be prepared from the books of annual record of assessed valuations of real and personal estate in the city of New York, assessment rolls for each of the several wards of said city, in the same form as the same are now by law directed to be prepared, and shall annex to each of said rolls their certificate, that the same is correct in accordance with the entries in said books of record.

Rolls to be delivered to the supervisors.

§ 13. The rolls thus certified must, on the first Monday of July in each year, be delivered by the said commissioners to the supervisors of the city and county of New York, who shall meet at noon on that day, at the city hall in said city, for the purpose of receiving the same, and for the purpose of performing such other duties in relation thereto as are prescribed by law.

Erection of buildings, &c.

§ 14. Whenever any permit shall be granted by the proper officer of the city government, for the erection of any building, pier or bulkhead within said city, a copy of such permit shall be furnished by the said officer to the commissioner of taxes and assessments.

Assessors.

§ 15. The said commissioners of taxes and assessments shall appoint three skillful and competent disinterested persons, citizens of the United States and residents of the city of New York, who shall constitute a board to be known as the board of assessors, and who shall be charged with the duty of making the estimates and assessments required by law for building wells, erecting pumps, pitch-

ing, paving, regulating and repairing streets, constructing sewers, fencing vacant lots and public slips, and all other improvements directed by corporation ordinance for which an assessment may be made.

§ 16. The said board of assessors, or a majority thereof, shall make all estimates and assessments, give all notices, receive and pass upon all objections, and certify to the common council in accordance with the existing laws relative to all such matters. The said assessors shall each receive an annual compensation of two thousand dollars, to be paid by the comptroller of the city of New York from the city treasury, and which shall be in lieu of all other compensation. The said assessors shall hold their office during the pleasure of the appointing power, and no longer. The common council of the city of New York shall provide for and assign to said assessors a suitable and convenient room or rooms, for the transaction of their business, and shall provide the said assessors with the requisite and necessary stationery, lights and fuel. It shall be lawful for the said commissioners of taxes and assessments to appoint a clerk to assist said assessors in the performance of their duties, and who shall receive an annual compensation, to be fixed by said commissioners, not exceeding the sum of twelve hundred dollars, to be paid by the comptroller out of the city treasury.

Board of
assessors.

§ 17. Whenever any assessment list shall be certified by the assessors to the common council of the city of New York, for confirmation, as provided by law, it shall be the duty of the common council to proceed forthwith to confirm such assessment, or refer the same back to the said board of assessors, if necessary, for revisal and correction; and all such matters shall have precedence to all other matters before the common council or in either board thereof.

Assessment
list and duty
of common
council.

§ 18. The said board of assessors shall cause to be entered in books to be provided for that purpose, by the common council, a full and complete record in detail, of all assessments confirmed by the supreme court, or by the common council, which shall, at all convenient times, be open to public inspection.

Record.

§ 19. All the powers and duties now possessed by the street commissioner of the city of New York, or by his department, in regard to making and perfecting assess-

Duties of
assessors.

ments, shall devolve upon the assessors appointed under the provisions of this act.

§ 20. A certiorari to review and correct on the merits, any decision or action of the said commissioners, under section ten or eleven of this act, shall be allowed by the supreme court or any judge thereof directed to the said commissioners, on the petition of the party aggrieved, and shall, with the return, be heard and decided forthwith by said court, in preference to all other matters, actions or proceedings.

§ 21. The act entitled "An act in relation to assessments in the city of New York, and to amend the several acts in relation thereto," passed April sixteenth, eighteen hundred and fifty-seven, is hereby repealed; and also all laws and acts and parts of acts, so far as the same are inconsistent with this act, are hereby repealed: provided, however, that nothing contained in this act, shall be so construed as to repeal any act or law now exempting real or personal estate from taxation.

§ 22. This act shall take effect immediately.

Chap. 303.

AN ACT to incorporate the Union Free School district number four, town of Orangetown, county of Rockland.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Union free school district No. 4, to form a district.

SECTION 1. The union free school district number four, in the town of Orangetown, county of Rockland, shall form a district, and shall not be subject to alteration, except in the manner prescribed by law.

To be under direction of board of education.

§ 2. The said district shall be under the direction of a board, to be styled the "board of education," which board shall consist of five members, and be a body corporate; a majority of whom shall constitute a quorum for the transaction of business.

Proceedings confirmed.

§ 3. The proceedings of the meetings, held in January, eighteen hundred and fifty-eight, and in December, eigh-

teen hundred and fifty-eight, in the election of the board of education, are hereby confirmed, and the persons then elected shall continue to hold office for the time for which they were respectively elected.

§ 4. There shall be elected at each annual meeting in said district, to be held on the first Monday of December in each year, two persons (except every third year, when only one shall be elected), who shall be residents and inhabitants liable to pay taxes for school purposes in said district, to act as members of said board of education, and who shall hold their offices for the term of three years. The said election, and all other elections provided for by this act, shall be held by three inspectors, who shall be appointed by the board of education, at least thirty days preceding such election, which election shall be by ballot, and conducted in the same manner as general elections.

Two members of board of education to be elected.

§ 5. Said board shall have power to fill vacancies occurring in their own body, but the person so appointed shall hold his office until the next annual meeting of said district, when the vacancy shall be filled by election.

May fill vacancies in their own body.

§ 6. The said board may make all necessary by-laws for their own government; they shall have the entire control and management of all the common schools within said district, and all the property belonging to the same.

To make by-laws.

They shall, at their first meeting, and at their first meeting after the annual election in each year, appoint one of their number president of said board, who shall preside at the meetings of said board, when present; when absent, a president pro tempore shall act in his stead; they shall also appoint at said meeting, one of their number secretary, who shall record all the acts and resolutions of the board, also act as clerk of school district; in his absence, a secretary pro tempore shall be appointed to discharge said duties; they shall appoint two of its members to be styled the committee of education, whose duty it shall be to visit the schools in the district once in each month, to examine and license teachers, and such other duties as are specified in the by-laws of the board; they shall also appoint a treasurer, collector and librarian of said district, who shall hold their offices, respectively, one year from their appointment, and until others are appointed in their places, unless sooner removed by said

President.

Secretary.

Committee of education

Treasurer, collector and librarian.

Treasurer
and collect-
or to exe-
cute bond.

Unless bond
is filed
within ten
days, office
declared
vacant.

Meetings of
board of
education.

No officer
but secre-
tary to re-
ceive com-
pensation.

Special
meetings.

board. Such treasurer and collector shall, each within ten days after notice, in writing, has been received of his appointment, and before entering on the duties of his office, execute and deliver to said board of education, a bond in a penalty of twice the amount of the estimated amount of the money coming into his hands, and with such sureties as said board may require, conditioned for the faithful discharge of the duties of his office. In case such bond shall not be given within ten days after receiving such notice, such office shall thereby become vacated, and such board of education shall thereupon make an appointment to fill such vacancy. Such treasurer's bond shall be approved by the county clerk, and a copy thereof deposited in said county clerk's office.

§ 7. The said board of education shall meet for the transaction of business, on the first Monday in each month, or on such other day of the week as they shall fix upon for the year, and may adjourn for a shorter time. Special meetings may be called by the president, or in his absence or inability to act, by the secretary, or any other member of the board, as often as is necessary, by giving personal notice to each member of the board, or causing a written or printed notice to be left at his residence, at least twenty-four hours before the hour of said meeting; and if any of said board refuses or neglects to attend any three successive stated meetings of the board, and if no sufficient cause of his non-attendance be shown, the board may declare his office vacant.

§ 8. No member of the board of education, except the secretary, shall receive any pay or compensation for his services, nor shall it be lawful for any member of said board to become a contractor for building or making any improvement or repairs authorized by this act, or be in any manner, directly or indirectly, interested either as principal, partner or surety in any such contract. All contracts made in violation by this provision, shall be absolutely void, and the person so violating shall forfeit the sum of one hundred dollars, which shall be collected by the board for the use of the district.

§ 9. The said board of education may call special meetings of said district whenever they may deem it necessary; they shall give notice of the same, by posting up a written or printed notice thereof in at least six public places

in the said district, and by publishing the same in the newspapers published in said district, at least two weeks previous to the time fixed for such meeting; which notice shall state the time and place of such meeting, and the purpose for which the same was called; and no business shall be transacted at any such special meeting, except that stated in the notice calling the same. One week's notice of the annual meeting shall be given in said newspapers.

Notice to
be given.

§ 10. The title of the school-houses, sites, lots, furniture, books, and all other school property in said district, shall be vested in said board of education; and the said board in its corporate capacity, may take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of common schools in said district.

Title to be
vested in
board of
education.

§ 11. The public schools in said district shall be free to all children residing therein; but the board of education may permit children of persons not resident within said district, to attend said schools, on such terms as they may prescribe, and said board shall have power to sue for and recover such prescribed sum. Said board shall require one of their number to visit each school in said district, at least once in each week, to render such assistance to the teachers, and advice to the pupils, as may be necessary.

Schools to
be free to
all resident
children.

§ 12. Every resignation of officers appointed or elected under this act shall be made to the board of education, and such resignation shall not excuse said officer from the discharge of his duties until accepted by said board.

Resigna-
tions.

§ 13. Said board of education shall cause an enumeration of the children between the ages of four and twenty-one years in said district, and make, once in each year, such a report to the school commissioner, at the time and in the manner required by law of trustees of school districts; and any parent, or guardian, or housekeeper, refusing to give his or her own name to the person appointed by said board to take such enumeration, and the number of the children between said ages living in his or her family, shall be liable to a penalty of ten dollars; said penalty to be sued for and recovered by said board, and appropriated to school purposes.

Children to
be enumer-
ated.

§ 14. The town supervisor shall, upon the written

Supervisor
duties of.

Moneys to be paid to treasurer, and by him to be accounted for.

District library.

Tax to be levied and collected.

Deficiency in teachers' wages.

Sites, school houses, &c.

School houses.

Insurance to be affected.

Taxes.

order of the president and secretary of said board, pay to the treasurer of said board, out of money in his hands belonging to said district, such sums as said order may specify, and all moneys to be received shall be paid to the treasurer of said board, who, together with sureties on his official bond, shall be accountable to said board of education; said treasurer shall not pay out any moneys except by resolution of said board, and upon an order drawn by the president and certified by the secretary to be so drawn in pursuance of such resolution.

§ 15. Said board of education shall have the entire control of the district library, and may make such regulations in regard to the purchase and distribution of books and management of said library as they shall deem proper.

§ 16. Said board of education shall have the power, and are hereby directed to levy and collect by tax, once in each year, upon all the taxable property and inhabitants in said district, as the same shall have been last assessed by the town assessors of the town in which said district is situated, such sums as said board shall estimate to be necessary for the following purposes, viz.:

1. To pay any deficiency in teachers' wages, after paying all the public money appropriated for such purpose.

2. To hire sites, school-houses and rooms for the use of said school district when necessary.

3. To alter, repair and improve the school-houses belonging to said district, and their appurtenances.

4. To insure the school-houses and property belonging to said district.

5. To pay all debts and any necessary contingent expenses of said school district and of the board of education.

6. Any such sums as shall be authorized by a majority of the legal voters at any special meeting of said district, for the purposes specified in section seventeen of this act, and the board shall add to their warrant for collection of taxes such amount as they shall deem proper for fees for collecting, not exceeding five per cent on the amount to be collected; said board shall have power to make all warrants for the collection of taxes to be raised by them, returnable in sixty or ninety days, at their discretion,

and to renew the same whenever it shall become necessary; such warrant to be signed by the president and secretary, pursuant to resolution of said board. In case it shall appear that the town assessment roll does not include all the taxable property of said district, the property omitted shall be assessed by the said board in the same mode required by law, and added thereto; and the collector of said school district shall, in the collection of any tax authorized by this act, proceed in the same manner and have all the powers which collectors of town and county taxes now possess.

Town
assessment
roll.

Collector,
how to
proceed.

§ 17. Whenever, in the opinion of said board, it becomes necessary to procure a site, and build a school-house; to enlarge those already built, or to raise money for any necessary school purpose not enumerated in this act, they shall submit the plans, and the estimated cost of such building, site, and necessary appendages, to the inhabitants liable to pay taxes for school purposes of said district, at a special meeting called for that purpose; and if a majority of those present shall vote in favor of the same, the said board may proceed to carry the same into effect; but no site purchased and house built after the passage of this act shall exceed in costs, jointly, the sum of three thousand dollars, nor shall any addition to school-houses in said district exceed said amount; neither shall more than one school-house or addition to any school-house in said district be built in any one year; nor shall any addition be made to any school-house in said district the same year in which a new school-house is built; nor shall a greater sum than four hundred dollars be raised in any one year, for purposes not enumerated in this act, by said special meeting.

Proceed-
ings, when
necessary to
build school
house.

§ 18. Said board of education shall have the power to establish as many primary schools in said district as they may deem proper, and to have in all respects the superintendence, supervision and management of the public schools in said district; to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction; for the reception of pupils, and their transfer from one school to another, and generally for their good order, prosperity and public utility.

May estab-
lish prima-
ry schools.

§ 19. Whenever, in the opinion of said board, it may

School may

be sold or
exchanged.

be advisable to sell or exchange any school-house, lots or sites now or hereafter belonging to the district, they shall state such object in the notice of an annual or special meeting, and with the consent of a majority of the inhabitants liable to pay taxes for school purposes, present at such meeting, may sell or dispose of such school-houses, sites or lots to the best advantage.

Board of
education
to submit
report.

§ 20. Said board of education shall, at each annual meeting, submit a report in writing, of their doings as such board, and shall state therein the number and condition of the schools in said district under their charge, and the number of scholars attending the same; the studies pursued; the amount of money received from the state and from any other source; the expenditure of the same; and all the particulars in detail relating to schools in said district, which report may, if the board think proper, be printed.

Inconsist-
ent laws
repealed.

§ 21. All laws and parts of laws inconsistent with this act are hereby repealed, so far as relates to school district number four, in the town of Orangetown, Rockland county.

§ 22. This act shall take effect immediately.

Chap. 304.

AN ACT to amend an act entitled "An act requiring certain highway assessments worked on the turnpike road of the Schoharie Kill Bridge Company to be worked under the direction of that company," passed April seventeenth, eighteen hundred and fifty-one.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 3 amend-
ed.

SECTION 1. The third section of the "Act requiring certain highway assessments worked on the turnpike road of the Schoharie Kill Bridge Company to be worked under the direction of that company," passed April seventeenth, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

The said president, directors and company of the Erie Kill Bridge Company are hereby empowered to proceed, in the same manner that overseers of highways are now required by law to proceed, for the purpose of doing said highway labor and assessments worked on turnpike road; and all laws now in force, by which overseers of highways are empowered to cause highway labor to be performed, shall apply to said company; and any person assessed to work on said turnpike road and found guilty of a neglect or refusal, for which a fine or penalty is prescribed in title one, chapter sixteen, part two of the Revised Statutes, the said company shall have the same power to make complaint to a justice of the peace as is now possessed by overseers of highways; and a complaint may be made by said company at any time within six months, after any person, assessed as aforesaid, is found guilty of a neglect or refusal, for which a fine or penalty is prescribed in said title; and the same proceedings shall be had before said justice, on the complaint of any authorized agent of said company, as are now had on the complaint of an overseer of highways; and any moneys or penalties recovered under said title, in such proceedings, shall be for the benefit of said company, and shall belong to them; provided that no person shall be allowed to work on said turnpike road out of the district in which he resides, and provided, also, that every person who works on said turnpike road shall have the privilege to commute for his assessment, or any part thereof, at a rate of thirty-seven and a half cents for each day, by paying such commutation money to belong to said company. It is also provided that no person liable to work on said turnpike road shall be obliged to work thereon during the months of July and August of each year.

Powers of
president,
directors
and com-
pany.

Complaint.

Penalties.

Proviso.

Chap. 305.

AN ACT to revive the powers of the Hedding Society of the First Methodist Episcopal Church in the town of Van Etten, Chemung county.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Powers
revived.

SECTION 1. The corporation of the religious society heretofore known by the name of the Hedding society of the First Methodist Episcopal church in the town of Cayuta (now Van Etten), Chemung county, shall not, by reason of any omission or neglect of said corporation previous to the passage of this act, to elect or choose trustees, be deemed, or taken to be, thereby dissolved; but the trustees of said society, in office in the time of such omission, shall be deemed and taken to be the legal trustees of such congregation or society, and shall continue to hold their offices until others be chosen in their stead, provided, an election supplying such omission shall be made within one year after the passage of this act.

Trustees to
hold office
until suc-
cessors are
appointed.

Vacancies.

§ 2. In case such trustees shall have died or removed from the town, or declined to act, it shall be lawful for such congregation or religious society, within one year after the passage of this act, to elect other trustees, in the manner prescribed in section third of the act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and the trustees so elected shall be invested with the like powers as if they had been elected at the time when the last omission to elect trustees took place, and regularly re-elected thereafter.

§ 3. This act shall take effect immediately.

Chap. 306.

AN ACT to require the president, directors and second company of the Great Western turnpike road to abandon that portion of their road which lies in the town of Otsego, in the county of Otsego, and to remove their toll gate from the same.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The president, directors and second company of the Great Western turnpike road shall abandon all of that part of the said road which is situated, lying and being in the town of Otsego, in the county of Otsego, and shall remove therefrom their toll gate situated about one and a half miles westerly from the village of Coopers-town, in the said town of Otsego, and the said company shall be relieved from keeping said road in repair.

Road to be abandoned.

§ 2. That part of the said road so abandoned is hereby declared to be a public highway; and it shall be the duty of the commissioners of highways of the said town of Otsego, and they are hereby required to cause the same to be districted and worked in the same manner as other public roads and highways in said town are by law required to be districted and worked.

Road declared a public highway.

Chap. 307.

AN ACT authorizing the assessment of highway labor upon the Callicoon Depot and Rockland turnpike road.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every person who is a stockholder in the Callicoon Depot and Rockland Turnpike Company, and every other person living, or owning, or occupying lands

Persons making application, &c., may

work turn-
pike road.

on the line of the Callicoon Depot and Rockland turnpike road, shall, on making application annually, in writing, to the commissioner or commissioners of highways in the towns of Cohecton, Callicoon or Rockland, on any day previous to the time for making out the highway warrants by said commissioner or commissioners be assessed for the whole or such part of the apportionment of highway labor for any property by them owned or occupied in either of said towns, as may be expressed in said application, for the benefit and improvement of said turnpike road, and such assessments of highway labor shall be apportioned and assigned by the said commissioners to the said turnpike road as a separate road district.

Duty of
commis-
sioners of
highways.

SECTION 2. It shall be the duty of the commissioner or commissioners of highways of said towns to make separate lists of such persons and such lands so to be assessed within their respective assessments of highway labor, for that part of the said turnpike road lying in their respective towns, and affix thereto a warrant directed to some one of the directors of the said turnpike company, to the same effect as they are required by law to make out and deliver to the overseers of highways; such lists and warrants shall be delivered to the directors to whom they are directed, who shall proceed to cause the same highway labor to be worked out on said turnpike road, in the same manner that overseers of highways are by law directed to do.

Persons
may be com-
pelled to
perform
highway
labor.

SECTION 3. The persons to whom such warrants shall be directed, and the justices of the peace of said towns, have the same authority to compel the performance of such highway labor, and the collection of any fine for the non-performance thereof, as overseers of highways and justices of the peace now have by law in reference to highway labor; the said directors shall make returns to the commissioners of highways in the same manner that overseers of highways are required to do.

SECTION 4. Any person so assessed may commute for such highway labor by paying the sum now fixed by law to the person to whom such warrant shall be directed.

SECTION 5. This act, unless sooner repealed, shall remain in force during the continuance of the said turnpike company.

SECTION 6. This act shall take effect immediately.

Chap. 308.

AN ACT authorizing an appropriation to aid in constructing stone piers and otherwise preserving the State bridge across the Sacandaga river, in the town of Hadley, in the county of Saratoga.

Passed April 14, 1869; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any moneys in the treasury of this state not otherwise appropriated, for the purpose of building stone abutments and piers under the bridge across the Sacandaga river at its outlet, in the town of Hadley, in Saratoga county, and Daniel Stewart, Benjamin C. Butler and William W. Rockwell are hereby appointed commissioners to lay out and expend said money for the purposes aforesaid.

Appropriation and names of commissioners.

§ 2. The said commissioners shall, before entering upon the duties of their office, and before any money shall be paid to them under this act, execute and deliver to the comptroller of this state a bond in the penal sum of six thousand dollars, conditioned for the faithful performance of their duties and the proper application of the said moneys; said bond shall be executed in such manner and with such sureties as the comptroller will approve. Said commissioners shall render an account to the comptroller for the moneys received by them under this act, and shall deliver the same to the comptroller, with the vouchers therefor, on or before the first day of March, eighteen hundred and sixty, and shall pay over to the comptroller all moneys not expended by them for the purposes aforesaid.

Bond of commissioners.

§ 3. Upon the execution and approval of the bond mentioned in the second section of this act, the comptroller shall draw his draft upon the treasury of this state for moneys mentioned in the first section of this act, and deliver the same to the said commissioners, and the same shall be paid by the treasurer, on presentation of said draft, as provided by the first section of this act.

After bond is approved, &c., duty of comptroller

§ 4. In case of the removal of either of the said com-

Vacancy, how filled.

missioners, or their inability or refusal to serve, the comptroller shall appoint some suitable and proper person to discharge the duties of said commission in the place made vacant, and the person so appointed shall execute the same bond and be subject to all the duties and liabilities of the commissioners hereby appointed.

Condition.

§ 5. The appropriation hereby made is upon the express condition that no further application shall be made to the state for the purpose of hereafter supporting and maintaining said bridge.

Powers,
duties and
pay of com-
missioners.

§ 6. The said commissioners are hereby empowered, and it is also made their duty, out of the said appropriation, to cause to be constructed sufficient ice-breakers for the preservation of the said bridge, and otherwise to make such further repairs as to them shall seem necessary to its preservation; and the said commissioners shall each receive the sum of two dollars per day for each day actually occupied by them in the performance of the duties devolved upon them under this act, the same to be paid in equal proportions by the counties of Saratoga and Warren.

§ 7. This act shall take effect immediately.

Chap. 309.

AN ACT to increase the capital stock of the Brooklyn Fire Insurance Company.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Directors
may in-
crease capi-
tal stock.

SECTION 1. It shall be lawful for the directors of the Brooklyn Fire Insurance Company to increase the capital stock of said company from one hundred and two thousand dollars to one hundred and fifty-three thousand dollars, at such time and in such manner and subject to such regulations as they may prescribe and adopt; but such increase of capital shall be made by the payment in cash to said company of at least the par value of said stock.

§ 2. This act shall take effect immediately.

Chap. 310.

ACT to authorize the adjustment of certain claims and their application upon a debt held by the state against the Bank of Orleans.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioner in charge of the western division of the Erie canal, the attorney-general, the state engineer and surveyor, or a majority of them, are hereby authorized and required to ascertain the nature and character of all claims now held either by the bank of Orleans, or any of the sureties of said bank, upon a debt due the state, for the appropriation of property, or temporary occupation of property, or injury to business, for the obstruction of the Erie canal at Eagle Harbor, in the city of Orleans, or any just claim against the state for damages to certain mills and the interruption of the business of the same, by reason of a break in the canal in 1858; and all such claims, as they shall be satisfied, can lawfully be applied upon the debt of the said Bank of Orleans to the state, to appraise and adjust the same; and for that purpose they or either of them are authorized to administer oaths to witnesses, and take such evidence as they shall deem necessary or proper, and allow such sum of money as may be necessary for any of such claims as they shall deem just and reasonable, and certify the same to the auditor of the canal department, and file in his office an abstract of title of the lands or property appropriated by the state, upon which they shall have allowed any claims. They shall also file in the office of the clerk of Orleans county a duplicate of such appraisal and a map of such land, which shall be recorded in like manner and with the like force as certificates of the canal appraisers; such award shall be subject to appeal to the canal board as in cases of awards made by the canal appraisers.

SECTION 2. Upon receiving the certificate specified in the first section, the auditor of the canal department shall immediately credit the amount allowed on such claims and paid therein, to the said bank of Orleans, upon their

Nature of
claim to be
ascertained.

Upon re-
ceipt of
certificate.

debt to the state, and endorse the same upon the bond of said bank, and such credit and endorsement shall be deemed full payment and satisfaction of all said claims so certified, to the extent of such endorsement.

§ 3. Nothing in this act shall be so construed as to affect the rights of any bill holder or creditor of said bank.

§ 4. This act shall take effect immediately.

Chap. 311.

AN ACT to provide for the inspection and sealing of gas meters, and for the protection of consumers of illuminating gas.

Passed April 14, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Governor to
appoint
inspector of
gas meters.

SECTION 1. The governor of this state shall nominate, and by and with the consent of the senate, shall appoint an inspector of gas meters, who shall reside in the city of New York, whose duty it shall be, when required, to there inspect, examine, prove and ascertain the accuracy of any and all gas meters used or intended to be used for measuring, or ascertaining the quantity of illuminating gas furnished by any gas light company in this State, to or for the use of any person or persons, and when found to be or made correct, to seal, stamp or mark all such meters, and each of them, with some suitable device; such device shall be recorded in the office of the secretary of state.

Term of
office.

§ 2. Such inspector shall hold his office for the term of five years from the time of his appointment, and until the appointment of his successor, but may be removed by the governor for sufficient cause; and he shall receive an annual salary of fifteen hundred dollars, to be paid in the first instance out of the state treasury on the warrant of the comptroller.

Salary, &c.

§ 3. Such salary shall be charged to and paid into the state treasury by the several gas light companies in this state, in amounts proportionate to the amounts of the

capital stock of said companies respectively, to be ascertained and assessed by the comptroller of the state: and in case such gas light companies, or any or either of them, shall refuse or neglect to pay into the state treasury the amount or portion of said salary which shall be by said comptroller required of them respectively, for the space of thirty days after written notice given by said comptroller to them respectively, to make such payment, then the said comptroller may maintain an action in his name of office, in any court of this state, against any such delinquent gas light company for their said portion or amount of such salary, with interest thereon at the rate of ten per cent per annum, from the time when said notice to make such payment was given, and the costs of the action.

§ 4. It shall not be lawful for any corporation, company or person, at any time after this act shall take effect, to furnish and put in use any gas meter which shall not have been inspected, proved and sealed by said inspector, except during such time as said office of inspector shall be vacant, or said inspector, after request made, shall refuse or neglect to prove and seal the meters furnished for that purpose, and except the meters in use when this act takes effect, and which may be removed for examination or repairs.

Gas meters
must be
inspected,
&c.

§ 5. That every such gas light company shall provide and keep in and upon their premises a suitable and proper apparatus, to be approved and sealed by said inspector of meters, for testing and proving the accuracy of the gas meters furnished for use by said company, and by which apparatus every meter may and shall be tested, on the written request of the consumer, to whom the same shall be furnished, and in his presence if he desire it. If any such meter, on being so tested, shall be found defective or incorrect to the prejudice or injury of the consumer, the necessary removal, inspection, correction and replacing of such meter shall be without expense to the consumer; but in all other cases he shall pay the reasonable expenses of such removal, inspection and replacing; and in case any consumer shall not be satisfied with such inspection of the meter furnished to him, and shall give to the company written notice to that effect, he may have such meter reinspected by the

Apparatus
for testing
meters.

state inspector (if he require it) upon the same terms and conditions as above provided for the original inspection thereof.

Gas must
be supplied
on applica-
tion, &c.

§ 6. Upon the application, in writing, of the owner or occupant of any building or premises within one hundred feet of any main laid down by any such gas light company, and payment by him of all money due from him to the company, the company shall supply gas as may be required for lighting such building or premises, notwithstanding there may be rent or compensation in arrear, for gas supplied, or for meter, pipe or fittings furnished to a former occupant thereof, unless such owner or occupant shall have undertaken or agreed with the former occupant to pay or to exonerate him from the payment of such arrears, and shall refuse or neglect to pay the same; and if, for the space of ten days after such application, and the deposit of a reasonable sum as in this act provided (if required), the company shall refuse or neglect to supply gas, as required, the company shall forfeit and pay to such applicant the sum of ten dollars, and the further sum of five dollars for every day thereafter during which such refusal or neglect shall continue; provided that no such company shall be required to lay service pipe for the purpose of supplying gas to any applicant, where the ground in which such pipe is required to be laid shall be frozen, or shall otherwise present serious obstacles to laying the same; nor unless the applicant, if required, shall deposit in advance with the company a sum of money sufficient to pay the cost of his portion of the pipe required to be laid, and the expense of laying such portion.

Gas com-
pany may
compel
parties to
deposit a
certain sum
of money.

§ 7. That every such gas light company may require that all, each and every person or persons to whom such company shall supply, or shall be requested to supply gas for lighting any building, room or premises, deposit with such company a reasonable sum of money, according to the number and size of lights used or required, or proposed to be used for two calendar months, by such persons or person, and the quantity of gas necessary to supply the same, as security for the payment of the gas rent, or compensation for gas consumed, or rent of meter, pipe and fixtures, to become due to the company, provided, however, that every such gas light company

shall allow and pay to every such depositor legal interest on the sum by him deposited, for and during the time his deposit shall remain with the company.

§ 8. Any officer or other agent of any such gas light company, for that purpose duly appointed and authorized by the company, may, at all reasonable times, upon exhibiting a written authority, signed by the president or secretary of the company, enter any dwelling, store, building, room or place lighted with gas supplied by such company, for the purpose of inspecting and examining the meters, pipes, fittings and works for supplying or regulating the supply of gas and of ascertaining the quantity of gas consumed or supplied, and if any person shall, at any time, directly or indirectly, prevent or hinder any such officer or agent from so entering any such premises, or from making such inspection or examination at any reasonable time, he shall, for every such offense, forfeit and pay to the company the sum of twenty-five dollars.

Officer or agent of company may enter building, &c., to examine meters, &c.

§ 9. If any persons or person supplied with gas by any such gas light company shall neglect or refuse to pay the rent or remuneration due for the same, or for the meter, pipes or fittings, let by the company, for supplying or using such gas, or for ascertaining the quantity consumed as required by his or their contract with the company, or shall refuse or neglect, after being required so to do, to make the deposit in this act mentioned, and thereby authorized to be required, such company may prevent and stop the gas from entering the premises of such persons or person; and in all cases in which any such gas light company is or shall be authorized to cut off, prevent or stop the supply of gas from any premises, their officers, agents or workmen may enter into or upon any such premises, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, and separate, take and carry away any such meter, pipe, fittings or other property of the company, and may disconnect any meter, pipe, fittings or other works, whether the property of the company or not, from the mains or pipes of the company.

Refusal or neglect to pay rent, &c.

§ 10. Every person who shall willfully or fraudulently injure or suffer to be injured any meter, pipe or fittings belonging to any such gas light company, or prevent any

Injury to any pipe, meter, &c.

meter from duly registering the quantity of gas supplied through the same, or shall alter the index of any such meter, or in any way hinder or interfere with its proper action or just registration, or shall fraudulently burn the gas of said company, or waste the same, shall, for every such offense, forfeit and pay to such company the sum of twenty-five dollars, and in addition thereto shall pay to said company the amount of damage by them sustained by reason of such injury, prevention, waste, consumption or hindrance.

Penalty for laying any pipe without the same passing through meter.

§ 11. Every person who shall lay or place, or cause to be laid or placed, any pipe to communicate with any main or pipe belonging to any such gas light company, or shall otherwise burn or use, or cause to be burned or used, any gas supplied or manufactured by said company, without having the same passed through the meter furnished for measuring and ascertaining the quantity of gas supplied to and consumed by such person, shall forfeit and pay to said company the sum of fifty dollars, and in addition thereto shall also pay to said company the amount of damage by them sustained in consequence, or by reason of such forbidden act.

§ 12 This act and its provisions shall not be deemed applicable to companies engaged in supplying natural gas to consumers.

Chap. 312.

AN ACT to equalize the state tax among the several counties in this state.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Board of equalization.

SECTION 1. The commissioners of the land office and three state assessors, whose appointment is herein provided for, shall constitute a board of equalization, whose duty it shall be to equalize the state tax among the several counties of the state, and fix the amount of assessment of real and personal estate on which the state tax shall be levied in each county.

. There shall be nominated by the governor and appointed by and with the advice and consent of the senate, three officers by the name of state assessors, who shall hold their offices for three years, and until their successors shall be duly qualified, except as hereinafter provided.

Governor to
appoint
assessors.

. The term of office of one of said state assessors shall expire on the first day of April in each year, commencing with the first day of April, eighteen hundred and sixty; and at the first meeting of the state assessors appointed the present year, they shall determine by ballot the length of their respective terms, whether one, two or three years.

Term of
office.

The said assessors shall have power to swear with and examine all persons and papers which they may deem necessary to the proper discharge of their duties, and the state, town, county and city officers shall furnish them with all information belonging to or connected with their respective offices, and copies of all records in their various offices which the assessors may require of them in the proper discharge of their duties.

Powers of
state assessors.

. The said assessors shall meet within ten days after their appointment, in the city of Albany, and adopt their mode of action.

Meeting of

. Any two of said assessors shall have authority to transact all business appertaining to their office, but all business must be duly notified of each and every meeting for the transaction of business. In case of the death, resignation, refusal or inability to serve, of any one or more of the assessors, while the senate is not in session, the governor is hereby authorized to fill such vacancies, and any person so appointed shall hold the office the balance of the term; provided his appointment shall be confirmed by the senate, on the nomination of the governor, at the next session thereof.

Two to
transact
business.

. The state assessors shall visit, officially, every county in the state, at least once in two years, and they shall prepare a written digest of such facts as they may deem most important for aiding the board of equalization in the discharge of its duties. They shall commence a tour of examination and visitation of the counties in the month of May next, or before, and digiently* prosecute the same.

State
assessors to
visit, &c.

* So in original.

Meetings of
board of
equaliza-
tion.

§ 8. The board of equalization shall meet in the city of Albany on the first Tuesday in September in each year, for the purpose of examining and revising the valuations of the real and personal estate of the several counties as returned to the office of the comptroller, and fixing the aggregate amount of assessment for each county on which the comptroller shall compute the state tax. The board of equalization may increase or diminish the aggregate valuations of real estate in any county by adding or deducting such sum as in their opinion may be just and necessary to produce a just relation between all the valuations of real estate in the state; but they shall in no instance reduce the aggregate valuations of all the counties below the aggregate valuations thereof as returned by the boards of supervisors to the comptroller's office; but the aggregate of the assessed valuation of the whole state shall not for the year eighteen hundred and fifty-nine, be increased or diminished by the board of equalization. A statement of the amount of assessment for each county, as fixed by the board of equalization, shall be certified by said board and deposited in the office of the comptroller, as soon as completed, and before the tenth day of October in each year. The comptroller shall immediately ascertain from this assessment, the proportion of state tax each county shall pay, and send a statement of the amount by mail, to the county clerk, and the chairman and clerk of the board of supervisors of each county.

Statement
to be made.

If the name or residence of the chairman or clerk of the board of supervisors shall be unknown to the comptroller, he may enclose such statement in an envelope addressed to him by his name of office, and directed to the county town of the county. The county clerk shall file the statement received by him in his office, and immediately send a copy thereof to the chairman of the board of supervisors of the county.

State tax.

§ 9. The amount of state tax which each county is to pay, as so fixed and certified by the comptroller as aforesaid, shall be raised and collected by the annual collection of taxes, in the several counties, in the manner now prescribed by law.

Compensa-
tion of state
assessors.

§ 10. Each state assessor shall receive five dollars for every day's service necessarily spent in the performance of his duties, and shall be allowed, in addition thereto, all

the traveling expenses, board excepted, necessarily incurred by him, not exceeding three hundred dollars per annum, the bill of such expenses shall be rendered to the comptroller in items, and verified by the affidavit of such assessor; no allowance shall be made to such assessors for railroad fare, unless such affidavit shall specify that such fare has been actually and in good faith expended.

§ 11. All books and papers pertaining to the duties of the office of state assessor shall be deposited with the comptroller. Books,
when de-
posited.

§ 12. The said assessors, before entering upon the duties of their office, shall take and subscribe the usual oath of office before the secretary of state or a justice of the supreme court. Oath of
office.

§ 13. Any supervisor may appeal in behalf of the town, city or ward, which he wholly or in part represents, to the comptroller of the state of New York from any act or decision of the board of supervisors in the equalization of assessments, and the correction of the assessment rolls, under the provisions of the first title of chapter thirteen, of the first part of the Revised Statutes. Such appeal shall be brought by serving a notice thereof, within ten days after the corrected assessment rolls shall be completed by the board of supervisors, or the chairman and clerk of said board, and also filing such notice in the office of the clerk of the county, together with the affidavit of the supervisor so appealing, that in his opinion injustice has been done to such town, city or ward by the act or decision appealed from. The comptroller shall hear the proofs of the parties, which may be presented in the form of affidavit or otherwise, as he shall direct; after hearing such proofs he shall determine whether any, and if any, what deduction ought to have been made from the corrected valuations of such town, city or ward; and in the assessment and collection of taxes of the next following year, such town or city shall be credited with the amount of taxes levied from it on such excess of valuation, and the same shall be levied and collected from the other towns and cities of the county. Appeals.

§ 14. This act shall take effect immediately.

Chap. 313.

AN ACT to establish and maintain a ferry across Genesee river at Charlotte.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Ferry may be established and maintained.

SECTION 1. It shall be lawful for Jerome B. Manning, his heirs and assigns, to establish and maintain a ferry across the Genesee river, in the county of Monroe, from or near the village of Charlotte, to the opposite shore of said river at the Gray dock, at such place or places as he or they shall select, during a period of twenty years from the passage of this act.

Good substantial ferry boats to be kept.

§ 2. The said Jerome B. Manning, his heirs or assigns shall, previous to the first day of September next, after the passage of this act, place, and at all reasonable hours of the day, as hereinafter provided, keep and maintain a good and substantial ferry boat or vessel, for the safe conveyance of passengers and their baggage, horses, carriages and cattle between the places aforesaid, with safe and skillful ferrymen to attend the same.

Rates of ferriage and hours to be kept open to be determined by county judge.

§ 3. The county judge of the county of Monroe, is hereby authorized and directed annually, during the continuance of this act, in the month of July, to order, direct and determine the several rates of ferriage, and the hours of the day that a boat or boats shall be kept in readiness, belonging to said ferry.

Penalty for charging more ferriage than is ordered by county judge.

§ 4. If any higher rates of ferriage shall be taken by the said Jerome B. Manning, his heirs or assigns, or any person or persons in his employ, than is ordered by the said county judge, the person so offending shall forfeit and pay to the injured party, the sum of five dollars, with costs of suit.

Penalty for neglect or refusal to ferry across.

§ 5. If the owner or keeper of said ferry shall willfully neglect or refuse, at such hours as the said county judge may direct, to transport or ferry across said river any person or persons, their horses, carriages, goods and chattels, for lawful ferriage as herein specified, or shall unnecessarily hinder or delay any person in crossing said

river, the person so offending shall forfeit five dollars to each person aggrieved.

§ 6. If any person or persons, after the passage of this act, shall transport across said river any person or persons, or property, for hire or pay, from or to any place on the said Genesee river, on either of its shores within two miles of the village of Charlotte, he or they shall forfeit and pay for each transportation, the sum of five dollars to the said Jerome B. Manning, his heirs or assigns, who may sue for the same before any justice of the peace having cognizance thereof; but nothing herein contained shall be construed so as to exclude any person or persons from the right of conveying or transporting himself or themselves, or his or their goods or chattels, in his or their own boat across said river, within the points specified in this act. Penalty.

§ 7. The act passed June thirtieth, eighteen hundred and fifty-one, entitled "An act to authorize Phineas B. Cook to establish and continue a ferry across the Genesee river, from the village of Charlotte, at the mouth thereof to the opposite shore, is hereby repealed. Act authorizing P. B. Cook to establish ferry repealed.

Chap. 314.

AN ACT to amend the several acts relating to the Cayuga Creek road, in the county of Erie, passed March twenty-ninth, eighteen hundred and forty-eight; March twenty-seven, eighteen hundred and forty-nine; June twentieth, eighteen hundred and fifty-one; and April ninth, eighteen hundred and fifty-three.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the western section of the Cayuga Creek road shall, in addition to the powers and duties already conferred on them by law, have the same powers, and perform the same duties, in relation to the assessment of highway labor, to be performed on the said western section of the Cayuga Creek road, as is Commissioners of western section of Cayuga Creek road.

List of inhabitants to be furnished.

given by law to the commissioners of highways of towns, but such assessment shall not exceed the rate per cent assessed that current year, by the highway commissioners of the town in which the property assessed is located; and it shall be the duty of the Cayuga Creek road commissioners to furnish the superintendent of the said western section of the Cayuga Creek road, with a list of the inhabitants on said road, and with said Cayuga Creek road commissioners' warrant thereto affixed, the same as is by law required to be furnished to the overseers of highways; such list to be furnished on or before the fifteenth day of May, in each year.

Inhabitants to be assessed.

§ 2. The inhabitants residing along the line of said road, and subject to highway labor, shall be assessed by the commissioners of the western section of the Cayuga Creek road, and shall duly commute or work out all taxes for property lying adjoining said road, under the direction of the superintendent of said road; which said superintendent shall have the same powers, and perform the same duties, in relation to compelling said inhabitants to work out, or commute for said taxes, as is given by article three, of chapter sixteen, of title one, of part one of the Revised Statutes, to overseers of highways; and every person assessed as aforesaid shall, in case of a refusal or neglect to work out or commute for said taxes after having been duly notified by said superintendent, be subject to all the liabilities and penalties mentioned in section thirty-nine and forty, of article three, of chapter sixteen, of part one of the Revised Statutes, and all commutation moneys recovered under this act shall be received and paid to said superintendent for the benefit of said road, and said superintendent may maintain an action for the same, and shall be accountable for all such money the same as for tolls.

Penalty for refusal or neglect.

Penalty for injuring road.

§ 3. Any person who shall draw or haul, or cause to be drawn or hauled, any logs, timber, or other material upon the road-bed of said western section of the Cayuga Creek road, unless the same be entirely elevated above the surface of the road, on wheels or runners, by which said road-bed shall be injured, or who shall do, or cause to be done, any act by which said road-bed, or any ditch, sluice, culvert or drain, appertaining to said road, shall be injured or obstructed, or shall divert, or cause to be

, any stream of water so as to injure or endanger
t of such road, shall forfeit and pay the sum of
ars as a penalty, in addition to the damages result-
n such wrongful act.

Any person who shall designedly place or leave, or
be placed or left, any log, timber, wood, stone or
aterial upon the land within the ditches, or within
feet of the center of the graded part of the road,
said western section of the Cayuga Creek road
way purposes, shall forfeit the sum of ten dollars
acing or leaving such obstruction on said road,
e further sum of ten dollars for each and every
four hours such obstruction shall remain after so
laced or left.

Penalty for
obstructing
road.

Any person who shall pass the gate on said west-
ion of the Cayuga Creek road without paying the
ired by law, and with intent to avoid the pay-
ereof, shall, for each offense, forfeit and pay ten
the penalty and damages in this section and the
ng sections may be sued for and recovered by and
ame of the superintendent of said road, and for
efit of said road, in any court having jurisdiction
and to be accounted for by said superintendent
e as for tolls.

Penalty for
passing gate
without
paying toll.

The commissioners of the western section of the
Creek road shall, respectively, hold their offices
eir respective successors are appointed; and such
rs, if appointed after the regular term of his pre-
r had expired, shall be appointed for the unex-
ortion of the regular term, dating from the
on of the regular term of his predecessor.

Commis-
sioners to
hold office
until suc-
cessors are
appointed.

All acts and parts of acts inconsistent with the
ns of this act are hereby repealed.

This act shall take effect immediately.

Chap. 315.

AN ACT to authorize the supervisors of the town of Corning to loan money and provide for the payment thereof.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Plan, &c.,
to be pre-
pared of
bridge, &c.

SECTION 1. The commissioners of highways of the town of Corning, in the county of Steuben, are hereby authorized to cause to be prepared plans and specifications for the construction of a bridge across the Chemung river, in said town, at such point below the canal dam as they shall fix and designate, together with estimates of the expense of the construction of such bridge.

Proposals to
be received.

§ 2. When such plans and estimates shall be prepared and shall have been approved by said commissioners, and also by the supervisor of the said town, if the estimates of the expense shall not exceed the sum of ten thousand dollars, the said commissioners shall advertise and receive proposals for the construction of such bridge, and shall let the contract therefor to the lowest responsible bidder, who shall give adequate security for the full and faithful performance of his contract, in a sum not exceeding ten thousand dollars, as aforesaid.

Loan to be
made.

§ 3. Whenever the said plans and estimates shall have been approved, as hereinbefore provided, the supervisor of the town of Corning is authorized to loan, on the credit of said town, a sum sufficient, according to such estimates, to construct said bridge, and pay the expense of such plans and estimates, not exceeding ten thousand dollars, as aforesaid, to be repaid in equal annual installments, of which the last shall not exceed ten years from the making of such loan or the issuing of the securities therefor. The said loan may be made in sums not less than one hundred dollars, and for which the said supervisor shall issue a negotiable certificate, under his hand as such supervisor, obligating the said town to repay the sum therein mentioned, with interest at seven per cent per annum, in equal annual installments; and such certificates shall not be issued or disposed of by said supervisor

sum less than the amount expressed on the face

The said commissioners, before the money borrowed under this act shall be paid into their hands, shall dequate security for the faithful application and ement of the same.

Security to
be given.

At each annual meeting of the board of supervisor the supervisor of the town of Corning shall report amount necessary to be raised for the payment of annual installment and interest, and the said board levy and assess the same on the said town of Corning each year; which sum shall be paid by the collector of said town to the supervisor thereof, to be applied to the payment of said installments and interest.

Annual
estimate,
&c., to be
made.

In case any sum shall remain after the payment of expense of constructing such bridge, the same shall be applied towards the payment of the first installment of interest, and be deducted from the amount to be raised by tax for the payment of such first installment of interest.

This act shall take effect immediately.

Chap. 316.

ACT to authorize the raising a sum of money to reimburse certain commissioners of highways in the town of Phelps, in the county of Ontario, for moneys lost by them by the failure of the Ontario County Bank.

Passed April 14, 1859; three-fifths being present.

People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The electors of the town of Phelps, in the county of Ontario, are hereby authorized, at any annual meeting, by a majority vote, by ballot, to direct the raising of nine hundred dollars and interest to be raised on the assessed valuation of the real and personal property of such town, for the purpose of reimbursing J. C. Stephens, Eli Medaugh and Elijah Moffett, for moneys lost by them as commissioners of highways of said

Electors
may direct
\$900 to be
raised by
tax.

To whom
to be paid.

town, by the failure of the Ontario County Bank, in which bank said sum was deposited by said commissioners, which direction shall be laid before the board of supervisors of said county, at their annual meeting; and the sum so directed shall be raised, collected and paid over to the supervisor of said town, who shall pay the same to said commissioners.

§ 2. This act shall take effect immediately.

Chap. 317.

AN ACT to authorize the formation of a town insurance company in the counties of Albany and Greene.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Company
may be
formed.

SECTION 1. It shall be lawful for any number of persons, not less than twenty-five, residing in the towns of Rensselaerville and Westerlo, in the county of Albany, and in the towns of Durham and Greenville, in the county of Greene, who collectively shall own property of not less than fifty thousand dollars in value which they desire to have insured, to form themselves into an incorporated company for the purpose of mutual insurance against loss or damage by fire, which corporation shall possess the usual powers and be subject to the usual duties of corporations, and the corporate name whereof shall embrace the name of the town in which the business office of said company shall be located.

Provisions
of chapter
789, of Laws
of 1857,
made ap-
plicable.

§ 2. All the provisions of chapter seven hundred and thirty-nine of Laws of eighteen hundred and fifty-seven, entitled "An act to authorize the formation of town insurance companies," not inconsistent with the provisions of this act, are hereby made applicable to the company hereby authorized.

§ 3. This act shall take effect immediately.

Chap. 318.

AN ACT to repeal an act entitled "An act to provide for carrying out and opening a road from township number eight to township number ten, Old Military Tract, Franklin county," passed April fifth, eighteen hundred and fifty-four.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to provide for carrying out and opening a road from township number eight to township number ten, Old Military Tract, Franklin county," passed April fifth, eighteen hundred and fifty-four, is hereby repealed.

Act repealed.

§ 2. It shall be the duty of the commissioners named in the act hereby repealed, or their successors in office, at the next meeting of the board for auditing town accounts in the town of Belmont, in the county of Franklin, to render in writing, and under oath, a detailed account of all moneys received by them under the provisions of the said act hereby repealed, and how the same has been expended ; and the said commissioner shall pay over to the commissioner or commissioners of highways of the said town of Belmont, any balance of money remaining in their hands at the time of such accounting.

Commissioners to render account of receipts and disbursements of moneys.

§ 3. This act shall take effect immediately.

Chap. 319.

AN ACT for the relief of the western ten miles of the eastern branch of the Schoharie Turnpike Road Company.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever the president and secretary of the western ten miles of the eastern branch of the Scho-

When company comply

with certain
conditions,
may change
toll.

Rates of
toll.

harie Turnpike Road Company, shall surrender that part of said road, commencing two rods westerly of the main bridge on said road, in the village of Oakhill, to the easterly end of said road, by complying with an act of the legislature of New York, passed the twenty-eighth of March, eighteen hundred and fifty-four, entitled "An act in relation to plankroads and turnpike roads;" said company may thereafter receive at their toll gates on said road the following tolls, and no other: For every vehicle drawn by two animals, twelve cents, and six cents if drawn by one animal; the remainder of the tolls to be collected at said gates shall be and remain as they now are, notwithstanding the abandoning of said piece of about five-eighths of a mile of road.

Chap. 320.

AN ACT to amend the incorporation of the village of Lancaster, in the county of Erie.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bounds.

SECTION 1. That part of the town of Lancaster, in the county of Erie, embraced within the following bounds, that is to say: Beginning at the southeast corner of lot number nine, in the seventh section in township number eleven, in the sixth range of townships, as surveyed for the Holland Land Company, by Joseph Ellicott, surveyor; and running thence northerly, along the east line of lots number nine and ten of said section, and along the east line of lot number nine, in the eighth section in said township, to the center of the Ellicott road (so called); thence westerly, along the center of said road, to the west line of lot number five in the eleventh section of said township; thence southerly, along the west line of said lot number five, and along the west line of lots number six and five, in the tenth section in said township, to the southwest corner of said lot number five in said tenth section; thence easterly, along the south line of lots number five, three and one in said tenth section, and of

eleven and nine in said seventh section, to the place of beginning, shall constitute the village of Lancaster; and the inhabitants hereafter residing within said boundaries shall be a corporation by the name of "The village of Lancaster," and as such shall have a perpetual succession, and may sue and be sued in any court by that name; may take and hold by gift, grant or devise, any real or personal estate for the use of said village; may make and use a common seal, and alter the same; and may exercise such powers as are or shall be conferred by law, or by this act, or shall be necessary to carry such powers into effect.

§ 2. The officers of the said village shall be five trustees (one of whom shall be the president of said village), one assessor, one treasurer, one clerk, one collector, one pound master, one street commissioner, a chief engineer and one assistant engineer of the fire department in said village, and as many fire wardens as the trustees from time to time shall appoint. The trustees, assessor, treasurer, clerk and collector shall be elected at the annual meetings in said village for the election of officers, and shall hold their respective offices until the next annual election of village officers, and until their successors are duly qualified. The pound master, street commissioner and fire wardens shall be appointed by the trustees, and shall hold their respective offices during their pleasure. Officers.

§ 3. The first meeting for the election of officers of said village under this act, shall be held on the third Tuesday of April, eighteen hundred and fifty-nine, at the American hotel in said village, and William H. Bostwick, Milton McNeal and Abraham Kurtz, or any two of them, shall preside at said election; and in case two of said persons shall not attend within one hour after the time when the polls of said election may be opened, the electors present may designate, from their number, some two suitable persons to preside with such of the aforesaid persons as shall be in attendance at said election. The polls shall be kept open for the space of at least three hours, uninterruptedly, between ten o'clock in the forenoon, and four o'clock in the afternoon; at the opening of the polls, the persons presiding shall cause proclamation thereof to be made, and of the time when the polls will be closed, and all the provisions of law as to the First meeting.

manner of conducting elections; the rights, duties, powers and liabilities of persons presiding thereat, and of persons entitled to vote thereat; the canvass of votes, and declaring the result, and the certificate of canvass, and recording the same, hereinafter made applicable to annual meetings for election of officers, shall be applicable to the same; but no tax shall be voted at said meeting.

Annual
election.

§ 4. The annual meeting, for the election of officers of said village, shall be held on the last Tuesday of March, in each year. At least eight days' notice of such annual meeting shall be given by the clerk, by posting written or printed notices thereof in six of the most public places in said village. At such annual meeting, and at any special election, the trustees, or any one or more of them, shall preside; and all laws of this state in relation to the election of town officers, and notifying them of their election, shall apply to any election of officers of said village, held pursuant to the provisions of this act (except the election provided for in section three of this act), so far as the same can be so applied, and are consistent with the provisions of this act. Every such election shall be held at some convenient place in said village, to be designated by the trustees, or a majority of them, which they may procure for that purpose; the polls shall be kept open for the space of at least three hours, uninterruptedly, between ten o'clock in the forenoon and four o'clock in the afternoon; and the time of opening and closing the polls shall be specified in the notice of such election.

Trustee
presiding
at election.

§ 5. The trustee or trustees presiding at any such election, shall canvass the votes given thereat, shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for; which certificate shall be recorded in the book of records of said village.

Qualified
voters.

§ 6. At any such election, every person qualified to vote for town officers, in the town of Lancaster, and who shall have resided in said village for the space of thirty days next preceding such election, may vote for all the officers to be chosen; no person shall be elected as such officer unless he shall be entitled to vote at the election at which he shall be voted for. The persons eligible, and

having the greatest number of votes, shall be declared elected; and if two or more shall have the greatest and an equal number of votes, the officers presiding at the election shall forthwith determine by lot which shall be deemed elected; and in such case the facts shall be set forth in the certificate of the result made by such officers.

§ 7. Every person elected at any such election, whose name shall be entered as a voter on the poll list kept thereat, shall be deemed to be notified of his election by the declaration of the result by the presiding officers; and every person so elected, whose name shall not be so entered, shall be notified of his election within ten days thereafter, and if elected at such first election, such notice shall be given by the inspectors presiding thereat, and if elected at a subsequent election, he shall be notified by the clerk of such village.

Persons
elected.

§ 8. Every officer elected in said village pursuant to the provisions of this act, and every officer appointed to fill a vacancy as hereinafter provided, shall, within ten days after he shall be notified of his election or appointment, take and subscribe the oath of office prescribed by the constitution, before any justice of the peace of the county of Erie, or other officer authorized to administer oaths, and file the same with the village clerk; and in case of his omission to file the same within the time aforesaid, he shall be deemed to have refused to serve.

Oath of
office.

§ 9. Whenever the office of more than two of the trustees shall be vacant, the remaining trustee or trustees shall appoint a time and place, and the clerk shall give notice of a special election to fill the vacancies; the same notice shall be given and the election shall be conducted in the same manner as herein provided with regard to an annual election.

Vacancy in
office of
trustees.

§ 10. The said village (except as to the Cayuga Creek road, and as to the bridges therein), shall be a road district, exempt from the superintendence of the commissioners of highways of the town of Lancaster; and the trustees of said village shall perform all the duties of commissioners of highways within said village, with the exception aforesaid, and shall have the same powers, and be subject to the same duties, over the roads, streets and alleys of said village, as commissioners of highways of towns consistent with this act, with power to lay out streets

Road
district.

and alleys of less than three rods in width, if they shall deem proper; and the street commissioner shall have the same powers within the bounds of said village, and be subject to the same duties, and liable to the same penalties as overseers of highways in towns, subject, nevertheless, to the provisions of this act, and shall also, under the direction of the trustees, superintend the making and repairing of side and crosswalks, sewers, ditches, drains, and the removal of encumbrances from roads, streets, alleys and sidewalks within said village, and perform such other duties as the trustees, consistent with the provisions of this act shall direct. Nothing in this act contained shall, in any manner, affect the powers of the commissioners or superintendent of the western section of the Cayuga Creek *road, in repairing, improving and controlling last said road; and the trustees of said village shall have no power to direct any portion of the highway labor of persons in said village, residing on said road, to be performed elsewhere, except by the written assent of last said commissioner. The trustees, in making the assessment for highway labor, may take the last assessment roll of the village as a basis, omitting therefrom all such highway labor as properly belongs upon said Cayuga Creek road.

Sewers,
ditches, &c.

General tax

§ 11. At any meeting of the electors of said village to elect officers, or at any other meeting of such electors, duly called, and notice given in the manner prescribed by this act, for notice of annual meetings, the persons entitled to vote to raise taxes in said village may, by resolution, direct the trustees to cause to be raised by a general tax, upon the taxable property liable to be assessed for taxes in said village, taxes for the following purposes, and no other:

Powers of
corporation
&c.

1. For preserving the purity of the mineral waters in said village, and securing the same.

2. For procuring fire engines and other necessary apparatus therefor, and implements for hook and ladder companies; but no tax shall be raised for procuring more than one fire engine, when the population of said village does not exceed one thousand persons, and no more than one additional engine for every additional thousand of popu-

* So in original.

lation, nor for procuring such implements for more than one hook and ladder company, unless such population shall exceed two thousand persons, and implements for one additional company, for every additional two thousand of population.

3. For procuring the necessary ground, and erecting a suitable engine-house for every fire engine and its apparatus so procured, or for hiring suitable places for keeping them, and for keeping such implements. Taxes, for what purpose.

4. For making and maintaining such public wells and other reservoirs of water, and for procuring the necessary fixtures therefor, as the persons so entitled to vote to raise taxes shall deem necessary, for the extinguishment of fires in said village.

5. For procuring the necessary ground, and erecting a pound for the use of said village, and keeping the same in repair.

6. For the necessary advances for making and repairing sidewalks, and making other improvements authorized by this act, when those required shall neglect or refuse to do so.

7. For constructing and repairing crosswalks.

8. For prosecuting or defending suits in which said village shall be a party, or shall be interested. Ibid.

9. For procuring the necessary blank books for records and accounts of the village, and for such blanks, stationery and printing as may be necessary for village purposes.

10. For publishing this act, and the by-laws and ordinances, notices for elections and meetings, statements of accounts and claims allowed by the trustees, and all laws relative to said village.

11. For paying the village officers, when allowed a compensation for their services.

12. For the necessary expenses of doing any specific act for the village which it, or any of its officers, shall be by law expressly authorized to do; and for paying any legal claim against said village.

13. For any other specific purpose, for which the village shall be expressly authorized by law, to raise a tax in such manner.

§ 12. No tax shall be voted to be raised at any such meeting in said village, other than the annual meeting for the election of officers, unless the notice of holding No tax to be raised except at annual meeting.

such meeting, required by this act to be given, shall specify the amount and objects of such tax, and the specific sum required or proposed to be raised for each object, and shall state that such meeting will be called upon to vote in respect to raising the sum or sums so specified, and no tax for the purposes specified in subdivisions one, two, three and four of this section, shall be voted, unless the notice of holding such meeting shall also so specify.

Resolutions
adopted.

§ 13. Every resolution adopted at any such meeting, directing any tax to be raised, shall distinctly specify the objects for which such tax shall be directed to be raised, and the sum to be applied to each of such objects; otherwise such resolutions shall be void.

Any tax
may be re-
duced, &c.

§ 14. Any sum specified in any such notice, and proposed to be raised by tax, for any specific object, may be reduced, but shall not be increased, before the final vote in respect to directing the same to be raised; the final vote upon raising every such specific sum, shall be taken separately; every proposition to raise any specific sum, shall be deemed a separate and distinct resolution, in the proceedings thereon at such meeting; and it shall be in form, a separate and distinct resolution, and shall be so entered in the record of the proceedings of such meeting; if any person entitled to vote thereon shall so require, every vote to raise any sum of money in said village, which shall not be taken as herein provided, shall be void.

Voters, how
qualified.

§ 15. No person shall vote at any such meeting upon the question of raising any such tax, unless he shall be qualified to vote for village officers in said village, and shall own property liable to be assessed for taxes therein.

Taxes to be
assessed.

§ 16. All taxes voted to be raised in said village shall be assessed and collected in conformity, as far as practicable, when not otherwise provided in this act, with the provisions of law in respect to the assessment and collection of taxes by town assessors and collectors.

Moneys
raised, how
applied.

§ 17. Whenever moneys shall be raised by tax in said village for any specific purpose, it shall not be applied to any other purpose without such a vote, directing such application, as was required to authorize the raising thereof, nor shall any money belonging to said village, derived from other sources than such taxes, be applied to any purpose other than mentioned in subdivisions five,

six, seven, eight, nine, ten, eleven and twelve of section eleven of this act, without such a vote directing its specific application.

§ 18. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them.

Claims
against
village.

§ 19. No such account or claim shall be audited or allowed by the trustees unless it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the service or made the disbursements therein charged, that the several items of such account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be indorsed on or annexed to such account or claim, and presented and preserved therewith. The president or trustee presiding when such account or claim shall be presented to the trustees, may administer the oaths required by this section, and the trustees may examine the claimant on oath as to any items embraced in such account or claim.

Accounts to
be made out
in items.

§ 20. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Trustees
may disal-
low claim,
&c.

§ 21. Every account or claim against said village, presented to the trustees in any year, commencing at the annual meeting, shall be numbered from number one upwards in the order in which it shall be presented, and a memorandum of the time of presenting and auditing the same, the name of the person in whose favor it shall be made, and the person by whom it shall be presented, the amount claimed and the amount allowed, and from what fund payable, and if allowed only in part, the charges for which the same was allowed shall be entered in the records of the proceedings of the trustees, and said account filed with the clerk. The clerk shall thereupon draw a warrant upon the treasurer for the amount allowed, which shall be countersigned by the president.

Accounts
must be
numbered.

§ 22. Every warrant drawn to pay any account or claim shall refer to such account by its number, the name of the person in whose favor it was made out, and

Warrants to
refer to
account as
numbered.

the time when it was presented, and from what fund payable, and a memorandum of the drawing of such warrant shall be entered in such records before such warrant shall be delivered to the claimant.

No account to be audited, which village is not legally bound to pay.

§ 23. No item in any account or claim against said village, which said village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax, shall be allowed, nor shall any warrant be drawn for the payment of any such account or claim from any fund from which such account or claim, or any part thereof, shall not be payable.

Treasurer to pay all accounts.

§ 24. No such account or claim shall be paid, except by the treasurer, on the warrant of the clerk, countersigned by the president, and specifying the fund from which such warrant is payable, and it shall be paid out of no other.

Village not to borrow money by its officers.

§ 25. The said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advanced in its behalf, by its officers, or by any other person, nor shall any of its money or property be applied to any such purpose; nor shall such village incur any debt or liability beyond the amount of the taxes applicable to the payment of such debts or liabilities, which shall have been voted to be raised in said village according to law, unless otherwise provided by this act.

No debt to be incurred by any officer.

§ 26. No officer of said village shall have power to assent to incurring any debt or liability on the part of said village, contrary to the provisions of this act; nor shall any such debt or liability be paid from the money or property of said village; but all such officers assenting or assuming to assent to any such debt or liability, contrary to the provisions of this act, shall be jointly and severally liable, in their individual capacities, to pay the same.

Duty of assessor.

§ 27. The assessor of said village shall, between the time of holding the annual meeting for the election of officers, and the first Monday of May in each year, make out an assessment roll, and also between the time of holding the first meeting for the election of officers under this act and the first Monday of May following, and is hereby invested with the same powers in respect to assessments for moneys directed to be raised by tax, as herein pro-

vided, as town assessors, including the power to administer oaths and to correct valuations on the application of persons interested; but the assessor must fix the time and place in said village for hearing applications to correct the valuations, which shall be within ten days after making out the assessment roll as aforesaid, and give notice thereof by posting the same at least six days prior to the time appointed for such hearing, in at least six public places in said village. Any person who shall consider himself aggrieved by such assessment may, within five days after the determination of the assessor upon a review thereof, appeal from the assessor to the trustees, by giving the assessor at least one day's notice, in writing, of such appeal, and the time and place of determining the same by the trustees, who shall hear the same and do justice in the premises, and may modify or reduce the same as they shall deem proper. Every species of property liable to be assessed by town assessors shall be liable to assessment under this act.

§ 28. Upon the final completion of the assessment roll, the assessor shall deliver the same to the village clerk. The trustees shall cause to be estimated, and set down in the proper column in the assessment roll, opposite the several sums set down as the valuation of real and personal estates, the respective sums, in dollars and cents, to be paid as a tax thereon; and a fair copy of the assessment roll, with the taxes annexed, to be made. They shall also cause a warrant to the collector, signed by the president and clerk, with the corporate seal affixed, or signed by the trustees or a majority of them, similar in form to the warrant prescribed by law for the collection of town and county taxes, to be attached to said assessment roll or copy; and the same, with the warrant so attached, to be delivered to the collector on or before the tenth day of June in each year. The trustees shall, within the same time, estimate and assess the highway labor to be performed in said village the ensuing year.

Assessment
roll to be
delivered to
clerk, &c.

§ 29. Upon the delivery to him of any such roll or warrant, the collector shall deposit with the village clerk a copy of the warrant, with his receipt indorsed thereon, acknowledging the reception by him of the roll and warrant, and thereupon shall proceed to collect the taxes in said roll specified, in the manner required by law for col-

Duty of
collectors.

lecting county taxes, and shall have all the powers and authority conferred by law upon town collectors, and shall pay all moneys collected by him to the village treasurer, and take his receipt therefor. The collector shall make return to the treasurer of the amount collected, and of the taxes remaining unpaid, and shall be credited in the same manner as town collectors are credited by county treasurers. Upon all taxes collected he shall be entitled to collect and receive five per cent for his fees, unless otherwise directed by the trustees.

Unpaid
taxes.

§ 30. All taxes and assessments which shall remain unpaid for three months after the date of the warrant authorizing the collection thereof, shall bear interest at the rate of ten per cent per annum from the date of the warrant, and such tax and interest may be sued for and recovered by the village against any person liable therefor. In any such action, the assessment or tax roll shall be prima facie evidence of the right to recover such tax and interest as aforesaid.

Warrant
may be
renewed.

§ 31. The trustees may renew, from time to time, any warrant issued for the collection of any tax or assessment returned uncollected, or issue a new warrant for the collection thereof. In such renewal or warrant they shall specify the time when the same shall be returned, and may direct the collection of the interest on such taxes or assessments at the rate aforesaid, and the same proceedings shall be had thereon as upon the first warrant.

Collector
to execute
a bond.

§ 32. Before the collector of such village shall receive any warrant for the collection of taxes or the expenses of making or repairing sidewalks, sewers, ditches or drains, he shall execute to such village by its corporate name, and deliver to the trustees thereof, a bond with sufficient sureties, to be approved by them by a certificate signed by them and indorsed thereon, conditioned for the faithful performance of his official duties; and if he shall neglect to execute and deliver to the trustees such bond within three days after being notified by the president to do so, his office shall be vacant.

Repairing
sidewalks,
&c.

§ 33. The trustees may by resolution direct the making, repairing or improving of any sidewalk upon any of the public streets in said village, and may direct or regulate the grade of any such sidewalk, and the placing of curb-stones by the outward side thereof, and the manner

in which such sidewalks shall be made, repaired or improved ; but no sidewalk shall be directed to be made on the side of any street whereon none has before been made on the same side, or extended beyond where a sidewalk has before been made, unless upon petition, in writing, of a majority of the persons liable to be taxed for making sidewalks on the same side, and no sidewalk shall be directed to be made of any more costly material than plank, with sufficient bed-pieces, and properly spiked and fastened, unless upon the like petition. In every such resolution, the portion of such sidewalk which the owner of the adjacent lot is required to make, repair or improve as aforesaid, the manner in which the same is required to be done, and the materials to be used, shall be specified.

§ 34. The expense of making, repairing or improving any such sidewalks, as specified in the last preceding section, opposite to and on the same side of the street with any lot, shall be a lien thereon, and if the owner thereof be a resident of said village, the trustees shall give him notice of the manner in which such sidewalks are required to be made, repaired or improved, and of the time, not less than ten days, if required to be repaired, and not less than thirty days if a new walk is required to be made, within which it may be done by him, at his own expense, under the superintendence of the trustees or street commissioner.

Expense of
repairing,
&c.

§ 35. If such owner shall not make, repair or improve such sidewalk within the time and in the manner directed by the trustees, as aforesaid, or if he be not a resident of said village, the trustees may cause the same to be done, under the superintendence of the street commissioners, who shall keep an account of the expenses thereof, which shall be a tax against the owner and a lien upon said lot; they may borrow the necessary money to defray such expenses, to be repaid with interest from such tax when collected, and they shall issue their warrant to the collector for the collection of such tax, and the same shall be collected in the same manner as other village taxes; but the amount of such expenses, and the items thereof, shall be duly verified by the street commissioner or one of the trustees, and filed with the clerk, before they shall constitute a lien upon any such lot, and before any such warrant shall issue.

Owner
neglecting
to repair
sidewalks,
&c.

Sewers,
ditches and
drains to be
made.

How paid
for.

Assessment
for local
improve-
ments.

Warrants
to be re-
turnable as
other war-
rants.

§ 36. The trustees shall have power to cause common sewers, ditches and drains to be made in any part of said village, and to cause to be made estimates of the expenses thereof, and a just and equitable assessment of such expense. All such assessments, whether for general or local purposes, shall be laid or assessed, and distributed or proportioned by or under the direction of the trustees. Those which the trustees shall adjudge and declare to be for the general benefit of the village, shall be assessed in the same manner as other taxes and assessments assessed for general purposes, and shall be voted for and raised in the same manner and upon the like notice. Those which the trustees shall adjudge and declare to be local, shall be assessed upon the owners of the lots intended to be benefited by such improvements, in proportion, as nearly as may be, to the benefits which each person so taxed or assessed, and the lot owned by him, shall be deemed to receive from such improvement. But no such local improvement shall be ordered by the trustees, unless upon the petition to them, in writing, of at least two-thirds of the persons liable to be taxed for such local improvement. When any such local improvement shall be ordered, the trustees shall cause an assessment to be made of the property liable to be taxed therefor; when said assessment shall be completed they shall appoint a time and place, in said village, of meeting to hear applications to correct said assessment, and cause notice of such meeting to be given by posting the same, at least two weeks prior to the time appointed for such meeting, in at least six public places in said village, and shall have the same power as town assessors in correcting valuations on the application of persons interested. The trustees shall issue their warrant to the collector for the collection of such tax or assessment, and the same shall be collected in the same manner as other village taxes; but the amount and items of any tax or assessment, for local purposes, shall be the first verified and filed, as required by section thirty-five of this act. The collector shall be entitled to collect and receive the same fees, for collecting taxes mentioned in this and the preceding section, as for other village taxes.

§ 37. Every such warrant shall be returnable, and may be renewed like other warrants for the collection of taxes in said village, and it shall set forth plainly, by some brief

description, the lot charged with the tax or assessment, as it is required to be set forth in warrants for the collection of taxes by town collectors; the name of the owner, if it can be ascertained; the time when the resolution or direction for the improvement was made, under which the expenses charged on such lot were made or incurred; the amount of such tax or assessment; and the street and part thereof, as near as may be, where such improvement was required to be made.

§ 38. Whenever the collector of said village shall return, on oath, that within the time specified for the return thereof, in any warrant for the collection of taxes, or the expenses of making any of the improvements hereinbefore authorized, he was unable to find, within such village, sufficient property out of which he could collect any such tax or expenses specified in such warrant, the trustees may, in the corporate name of said village, prosecute the person liable to pay such tax or expenses, in any court having cognizance of such case, and recover the amount thereof remaining uncollected, with costs.

When a party is not to be found by collector

§ 39. All taxes, assessments and expenses, as hereinbefore provided, levied by virtue of this act, shall be a lien upon the real estate upon which they shall be assessed; and whenever the collector shall, upon any warrant for the collection of taxes, assessments or expenses, return upon oath that he could not, previous to the return day of such warrant, find any property within such village out of which he could collect the same, the trustees may lease the real estate upon which such tax shall have been assessed, or such expenses shall be a lien, or so much thereof as may be necessary to pay such tax or expenses, and the interest thereon, and the costs of advertising and leasing the same, which costs shall not exceed five dollars, to the person who will, for the use of such real estate, or some part thereof, for the shortest period, not exceeding five years, pay such tax or expenses, interest and costs.

Taxes, &c., to be a lien upon real estate.

§ 40. The trustees shall give notice of such leasing, by publishing the notice thereof once each week, for six successive weeks, in a public newspaper printed in said village, if there be one, and by posting such notice in at least six of the most public places in said village, at least six weeks before leasing.

Trustees to give notice of leasing property, &c.

§ 41. Such notice shall specify the time and place of such leasing, a brief description of the lot to be leased, so that its locality can be easily ascertained; and it shall state the name of the person against whom such tax or expenses were assessed.

Any lot,
when leased

§ 42. Any lot or part of lot which shall be so leased may, at any time within one year of such leasing, be redeemed therefrom by the owner, on his paying to the lessee the amount bid by him on such leasing, with interest thereon, at the rate of ten per cent per year from the time of such leasing, or paying the same to the treasurer of said village, for the use of lessee; but such lessee shall be entitled to any crops planted or sown by him.

Lease to be
presump-
tive evi-
dence.

§ 43. The lease executed by the trustees shall be presumptive evidence, that all the proceedings which terminated in making such lease from and including the voting of the tax, or the directing of the improvements, to and including such leasing, were legal.

Unpaid
taxes.

§ 44. All taxes and assessments for expenses authorized by this act, which shall remain unpaid for three months after the issuing of the warrant for the collection thereof, shall bear interest at the rate of ten per cent a year, and such interest may be collected with such taxes and assessments, at the times and in the manner before provided.

Assessor's
compensa-
tion.

§ 45. The assessor shall receive for his services a compensation to be fixed by the by-laws of said village, which shall not exceed the compensation allowed to town assessors for similar services.

President,
duties of.

§ 46. The president of the said village shall preside at all the meetings of the trustees thereof, when he shall be present; he shall call special meetings of the trustees, when, in his opinion, the interests of said village shall require it, and whenever he shall be requested so to do by two or more of the trustees; he shall take care that all the by-laws of said village are faithfully executed; he shall prosecute, in the corporate name, and for the use of said village, for all penalties incurred by any violation of such by-laws, and for all penalties and sums of money due said village, and he shall perform such other duties as shall be imposed on him by law, or by the by-laws of said village.

7. All meetings of the trustees shall be public, and persons may attend the same; and it shall be the duty of such trustees :

Meetings of trustees to be public.

To appoint one of their number to be president of said village, and also to appoint one of their number to preside at any meeting of such trustees when the president shall be absent.

Duties of trustees.

To appoint a suitable person to keep a poll list, at any meeting of the electors of said village, when such poll list shall be required to be kept, and the clerk shall not be absent.

To fill any vacancy in any office of said village, except that of trustee, by appointing a person who shall hold the office for the residue of the term, unless sooner removed.

To provide for the care, custody and preservation of public property, records, seal and paper of said village.

To see that the officers of said village perform their duties faithfully and correctly, and to cause measures to be taken to punish any neglect of duty by any of them.

Ibid.

To call meetings of the electors of said village, when, in their judgment, the interests of said village require it, or whenever, at least fifty of the taxpayers of said village shall, in writing, request it.

To give notice, in the manner prescribed by law, of annual and special meetings of such electors, or to cause the same to be done, and to preside at such meetings.

To present to every such annual meeting a detailed statement, signed by them, showing when and from what sources all moneys paid into the treasury of said village, during the preceding year, have been derived, and when, and to whom, and for what purposes, all moneys paid out of such treasury during the same period have been expended, how much of any sum raised in said village, during such year, for any specific purpose, or directed at the last annual meeting, or at any special meeting in such year, has been applied to any specific purpose, has been so expended, and how much thereof remains on hand, what repairs have been made or repaired, and other improvements made, during such year, at the expense of the owners, and amount of the collections on account of

Statement to be presented, &c., to meeting.

such expense, the names of the owners of lots from whom any sums are due on account of such expense, and the amount due from them respectively; which statement shall be filed with the clerk.

9. To present to every such annual meeting a detailed statement, subscribed by them, of the estimated expenses of said village, for the ensuing year, to meet which, taxes may be lawfully raised, specifying each item of anticipated expense; which statement shall be filed with the clerk.

10. To carry into effect every resolution adopted at any meeting of the electors of said village, duly convened, which such meeting shall have authority to adopt.

Audit
accounts.

11. To audit accounts and claims against such village, and to cause a warrant to be drawn on the treasurer for the payment of every account or claim allowed by them.

12. To audit every claim of the pound master for fees and compensation, in respect to animals found going at large (other than fees for receiving and discharging animals), and to hear and determine any application of the owner of any such animals, for a remission of the penalty incurred by their so going at large.

Penalties to
be fixed, &c

13. To fix upon the penalty, and decide upon the sufficiency of the sureties in the official bonds of the treasurer and collector of said village.

14. To fix the compensation of the assessor, treasurer, clerk, collector and street commissioner, subject to the provisions of this act.

How ac-
counts
should be
kept.

15. To prescribe the manner, when not otherwise provided by law, in which the treasurer shall keep the accounts and vouchers; and the clerk shall keep the records and papers of said village, and to examine such accounts and records, from time to time, in order to detect any errors therein.

Issue
warrants.

16. To issue warrants for the collection of taxes assessed in said village, and for the collection of the expenses of making, repairing or improving sidewalks, or making any other improvement authorized by this act, of the owners or occupants of lots who ought to pay the same, and on which such expenses shall be a lien, which shall be returnable in sixty days from the time of issuing the same, and to renew the same when necessary.

- . To execute leases of real estate as prescribed by
act. Execute
leases.
- . To enter, or to authorize to enter, in the daytime,
in their judgment the interests of the village shall
be it, any building in said village, in which there
be a fireplace, stove or stove pipe, for the purpose
examining the same, and to make such regulations in
rd thereto as a proper security against fire shall in
their judgment require. Fireplaces,
&c.
- . To compel every male resident of said village, of
age of sixteen years and upwards, attending any fire
id village, to assist in extinguishing the same, when
red by any fire warden or trustee, or by any officer
ny fire company or hook and ladder company in
village. To compel
persons to
assist at
fires.
- . To compel all persons in said village to keep their
s safely. Ashes, how
kept.
- . To exercise, exclusively within the limits of said
ge, the powers vested in two justices of the peace
ne second section of the first article of the eighth
of the twentieth chapter of the first part of the
sed Statutes; and the trustees may exact and re-
e, for the use of said village, of any person to whom
shall grant any license, mentioned in the said sec-
a sum not exceeding fifty dollars as a condition of
ting such license. Justices of
the peace.
- . To direct the time, place and manner of making,
ing, pitching, paving and repairing sidewalks and
walks in said village, and to direct the manner of
ing all other improvements authorized by this act. Grading
streets, &c.
- . To prescribe the manner of repairing streets and
ways, and laying out the highway labor, or money
muted for highway purposes in said village.
- . To perform all the duties imposed on them by
act, or by any other law of this state.
- . To make such by-laws, not inconsistent with the
of this state or of the United States, as they shall
n proper, to carry into effect the provisions of this
nd of other laws applicable to said village, and the
ers vested in any officer thereof, and may enforce
observance of all by-laws, rules, regulations and
nances which they are permitted to pass, in order to
y into effect the powers vested in them, by the im- By-laws.

position of penalties on the persons violating the same, not exceeding twenty-five dollars for each violation, to be recovered in an action before any justice of the peace of the town of Lancaster; but no such by-law shall prescribe any penalty for any act which shall be prohibited, and for doing which a penalty shall be prescribed by the laws of this state; and no such by-laws shall take effect until two days after it shall have been published in all the newspapers printed in said village, or until four days after copies thereof shall have been posted in six public places in said village, of which publication or posting an affidavit shall be made and filed with the village clerk, within six days after it shall take place, and shall be due proof thereof.

Village to pay for the procuring of the passage of this act.

26. It shall be the duty of the trustees to audit and allow the necessary and proper expenses of preparing and procuring the passage of this act, and the same shall be assessed and raised upon the taxable property of said village, in the same manner as if it had been directed to be raised by a vote of the electors of said village, and included in the first general tax after the auditing thereof.

§ 48. The trustees shall have power, in their discretion :

To restrain horses, &c., from running at large

1. To restrain cattle, horses, sheep, swine and geese from going at large in such village, under a penalty not exceeding five dollars for every such animal found so going at large in violation of the by-laws of said village, which animals, so going at large, shall be liable to be distrained, impounded and sold as provided by this act; and the owner, or person having in his possession any such animal, shall be liable to such penalty, which may be sued for and recovered with costs in the corporate name and for the use of said village.

Sidewalks not to be incumbered

2. To prohibit the encumbering of the sidewalks of said village with any materials whatever, and riding or driving thereon, except to cross the same.

Snow, dirt, &c.

3. To compel persons to remove snow, dirt, rubbish, or any material substance, from the sidewalks opposite to and on the same side of the street with lots owned or occupied by them, within such time as the trustees by by-laws shall prescribe.

1. To compel persons to remove dead animals and stagnant water from their premises. Dead animals, &c.
2. To prohibit flying kites, rolling hoops, playing, and practising other dangerous sports in the streets of said village or any of them. Kites.
3. To appoint fire wardens in said village, not exceeding five, and by by-laws to fix their compensation and describe their powers and duties, as well as the powers and duties of the chief engineer and assistant engineer of the fire department of said village, in addition to those already prescribed by law or by this act. Fire wardens.
4. To compel occupants of buildings in said village, in which fire shall be kept, to keep fire buckets. Fire buckets.
5. To prevent encumbering or obstructing the streets and highways in said village, or any of them, with railway trains, cars or engines, or with logs, timber, lumber, wood, boxes, barrels, or any substance or material whatever. Railway trains.
6. To prevent or regulate the firing of guns, pistols, crackers, rockets and squibs; the throwing or playing of fire balls, or any other fireworks charged with gunpowder or other explosive or inflammable material; and the building of fires in any part of the public streets of said village; and the making of any improper noise which may disturb the peace of said village. Firing guns, &c.
7. To prohibit any person from bringing, depositing or leaving, within the limits of said village, any dead carcass or other unwholesome substance, and to require the removal or destruction by any person who shall have or about his premises any such substance, or putrid meat, fish, hides or skins of any kind; and on his default to authorize the removal or destruction thereof by some officer of said village; to abate any nuisance within said village injurious to the public health; to locate and direct the location of all slaughter-houses and places where animals may be slaughtered, and prohibit the slaughtering of any animal elsewhere in said village; to prohibit or direct the location of buildings for storing gunpowder and other combustible and explosive substances, and to regulate the safe keeping and conveyance thereof. Dead carcasses.
8. To prohibit horse racing and immoderate driving in the streets of said village. Horse-racing.
9. To prevent the injury or destruction of shade trees. Shade trees.

trees planted along the streets and sidewalks in said village, and to encourage the planting and growth of such shade trees, by commutation for highway labor, as they shall by by-laws or otherwise direct.

Bathing, &c

13. To prohibit or to regulate and determine the time and places of bathing and swimming in mill-races, ponds, or other waters in said village.

Riots.

14. To prevent any riot or noise, disturbances or disorderly assemblages; to suppress and restrain disorderly houses and houses of ill-fame; to prevent and punish drunkenness and disorderly conduct in public streets and places; to restrain and punish vagrants, mendicants, street beggars, common prostitutes and disorderly persons, and to prohibit every description of gambling.

Ring-
ing bells.

15. To regulate or prevent the ringing of bells, blowing of horns and crying of goods, wares and merchandise or other commodity, or hawking and peddling in any of the streets of said village.

16. To designate and alter the names of any of the public streets in said village, and to procure a survey and map of said village, from time to time, as they shall deem necessary.

Census.

17. To cause the census of said village to be taken as often as they shall deem necessary, and to appoint some suitable person to take the same, and to fix the compensation therefor.

Medicinal
waters.

§ 49. Every person who shall wantonly or willfully pollute any of the medical or medicinal waters in said village, or commit any trespass, injury or nuisance upon any useful or ornamental improvements, building or erection around the same, shall be deemed guilty of a misdemeanor, which offense may be tried before a court of special sessions; and all the provisions of law relative to the arrest, trial and punishment of persons charged with misdemeanors, triable in such court, shall be applicable to offenses in violation of this section.

Voters.

§ 50. Every person, not being entitled to vote upon any question of raising money by tax, at any village meeting held under the provisions of this act, who shall vote or offer to vote upon any such question at any such meeting, shall forfeit, to the use of said village, the sum of twenty-five dollars.

Compensa-

§ 51. The treasurer of said village shall receive such

compensation for his services as shall be fixed by the laws of said village, not exceeding the compensation allowed to county treasurers for similar services.

tion of
treasurer.

52. The clerk of said village shall receive such compensation for his services as shall be fixed by the said laws, which shall not exceed the compensation allowed town clerks for similar services; and he shall perform duties imposed on him by the by-laws of said village, by this act.

Clerk's
compensation.

53. The street commissioner of said village shall receive such compensation for his services as shall be fixed by the by-laws, not exceeding one dollar and fifty cents per day.

Street com-
missioner.

54. Before the treasurer of said village shall enter upon the duties of his office, he shall execute to said village, by its corporate name, and deliver to the trustees thereof, a bond with sufficient sureties to be approved by them, by a certificate of such approval, signed by them and endorsed thereon, conditioned for the faithful performance of his official duties; and if he shall neglect to execute and deliver to the trustees such bond, within ten days after being notified by the president to do so, his office shall be vacant.

Bond of
treasurer.

55. Such treasurer shall receive and safely keep, and shall pay out when lawfully required to do so, all moneys belonging to such village; he shall keep accounts of all such moneys, as by law he shall be required to do the same; he shall preserve all vouchers filed in his office; he shall comply with every law of this state, and every by-law of such village, legally adopted, in relation to his duties; and he, or in case of his death, his heirs or administrators, shall, on demand, deliver to his successor in office, on oath, all books and vouchers relating to his office, and all money and other property, in his or their custody, belonging to such village.

Treasurer
to receive
all moneys,
&c.

56. The treasurer shall so keep his accounts as to show when and from what sources all moneys paid to him shall have been received, and when and to whom, and out of what fund, all moneys paid out by him shall have been paid.

Accounts of
treasurer.

57. When any money shall be raised by tax in such village for any specific purpose, or, by a vote or resolution of the electors thereof, shall be directed to be applied

Treasurer
to keep
separate
accounts of
tax, &c.

for any specific purpose, the treasurer shall keep a separate account in respect to such money, which shall show the amount thereof received by him, and when and to whom any portion thereof shall have been paid.

Treasurer
to exhibit
books at
annual
meeting.

§ 58. The treasurer shall exhibit his books of accounts and vouchers at every annual meeting of the electors of such village, and at every special meeting thereof, when required to do so by any trustee; they shall, at all times, be open to the inspection of any one or more of the trustees, and, whenever required by the trustees, he shall furnish abstracts or statements therefrom, for their use, or to be presented to any such meeting.

Clerk to
have
custody of
records, &c.

§ 59. The clerk shall have the custody of, and shall safely keep all the records, books and papers thereof, except such as shall pertain to the treasurer's office, or to the business thereof, and of which the treasurer should have custody; he shall attend all meetings of the trustees, and record all their proceedings; he shall file all papers, and record all matters which he shall, by law, or by the by-laws of such village, be required to file or record; he shall attend all meetings of the electors of said village, and keep a poll list at such meetings when required by the trustees to do so; and he, or in case of his death, his executors or administrators, shall, on demand, deliver to his successors in office, on oath, all records, books, maps, papers and other property of said village, in his or their custody.

Clerk to
record all
by-laws, &c.

§ 60. The clerk shall record the by-laws of said village; all votes and resolutions adopted at any village meeting; the certificate of the canvass of the votes given at any village election; all votes and resolutions adopted by the trustees; all appointments made by the trustees; all of which shall be by resolution, and all other matters which shall be proper to be recorded in the records of such village, or which the trustees shall, by by-laws, direct to be so recorded; and he shall file in his office every account and claim which shall be disallowed by the trustees.

Clerk to
furnish cer-
tified copy
of resolu-
tion, &c.

§ 61. Within three days after any meeting of the electors of said village shall have voted to raise any tax, the clerk shall furnish to the treasurer a certified copy of the resolution or vote for raising such tax, with a like copy of any vote or resolution adopted at such

meeting, directing the specific application of any of the funds of such village.

§ 62. The delivery of records, books, vouchers, money and other property of said village, to the successor in office of a treasurer, clerk or other officer of said village, may be enforced in the manner prescribed in the fifth article of the sixth title of the fifth chapter of the first part of the Revised Statutes.

Books to be delivered.

§ 63. It shall be the duty of the pound master to distrain all animals which he shall find going at large in such village, in violation of the by-laws thereof, and all persons may distrain such animals, and drive them to the pound of such village; and when they shall be distrained by him or by others, and driven to such pound, he shall keep them in his custody until they shall be disposed of according to law.

Duty of pound master.

§ 64. Within twenty-four hours after any such animals shall come into his custody, the pound master shall give notice thereof to the owner of such animals, if he be known, and be a resident of said village, and if such owner shall not be known, so that notice can be given to him within the time aforesaid, such notice shall be given to him within twenty-four hours after he shall become known, if he shall be a resident of said village.

Ibid.

§ 65. Within twenty-four hours after any such animals shall come into his custody, the pound master shall, if they shall not be reclaimed by their owner, give notice of the sale thereof, by posting the same in at least six of the most public places in said village. Such sale shall not take place in less than six days from the time of posting the notice thereof.

Ibid.

§ 66. If the value of such animals exceed ten dollars, notice of the sale thereof shall be published once in each week for two successive weeks, in a newspaper printed in said village, if there be one, and if there be none, then in the newspaper printed nearest to said village; if the value of such animals exceed twenty-five dollars, such notice shall be published as aforesaid, once in each week for four successive weeks; and in either case, if the residence of the owner be known, and be within fifteen miles of said village, such notice shall be served personally, or by leaving it at his residence at least ten days before the sale; but if his residence be more than

Notice of sale of animals.

fifteen miles from said village, such notice shall be put into the post-office, directed to him at his place of residence, within two days after its first publication. The value of such animals, for the purpose of giving notice as aforesaid, may be determined by the pound master and one of the trustees, and in case of disagreement another trustee may be added.

Pound master to give notice to president of village.

§ 67. The pound master shall give notice of every such sale to the president of said village, or if he be absent, to one of the trustees; and one of the trustees shall attend every such sale, and may direct the manner of conducting the same, and shall see that the same is fairly conducted; and he may, in his discretion, direct it to be postponed, of which notice shall be given, as in cases of the postponement of the sale of personal property by a sheriff.

Owner may redeem, &c.

§ 68. At any time before such animals shall be sold, the owner shall be entitled to them on paying the pound master his fees, and a reasonable compensation for finding them, together with the penalty incurred by their going at large in said village, and on satisfying the trustees of his ownership; and they may, in their discretion, remit such penalty, either before or after a sale, if they shall be satisfied, by affidavit, to be filed with the clerk of said village, that such going at large of such animals was without any fault on the part of their owner or any of his agents.

When animals are sold.

§ 69. When any such animals shall be sold as aforesaid, the pound master shall be entitled to receive out of the money arising from such sale, his fees for his services, in respect to them, and a reasonable compensation for feeding them, to be audited and allowed as hereinafter provided; and he shall, within forty-eight hours after such sale, pay the balance to the treasurer.

When owner shall file with trustees, claim, &c.

§ 70. If the owner of any animals so sold shall, within one year from the time of so paying to the treasurer the balance of the money arising from their sale, present to the trustees a claim for such balance, accompanied with an affidavit that such claim is well founded, and showing the grounds thereof, they shall, if satisfied of the justice of such claim, allow the same; but the penalty incurred by such animals going at large in said village shall be deducted from such balance, and

remainder only shall be allowed to such claimant, and such penalty shall be remitted as provided in the eighth section of this act. The proceedings upon presentation and auditing of said claim shall be the same as in respect to other claims and accounts against said village, presented to the trustees; and said claim and affidavit shall be filed with the clerk and a warrant for the amount allowed, in like manner drawn.

1. If such balance, or any part thereof, shall not be claimed by the person entitled thereto within one year as aforesaid, the electors of said village, at any meeting regularly convened, may direct it to be applied to any purpose for which money may be raised by tax therein.

Balance,
how used.

2. The pound master shall be entitled to the same fees for receiving and discharging animals, including those distrained by himself, as are allowed to pounders in towns for similar services, the same fees for attending personal service on owners of animals as are allowed to constables for serving a summons issued by a justice of the peace; but no travel fee shall be allowed unless the owner shall reside in said village; the printer's fees for publishing notices at the rate chargeable for advertisements; and a reasonable compensation for feeding such animals.

Fees of
pound
master.

3. Such fees and compensation (except the fees for receiving and discharging animals) shall be audited and allowed by the trustees, in all cases before they shall be received by the pound master, unless the same shall be agreed upon with and satisfied by the owner of such animals, and he shall receive no other compensation whatever.

Fees to be
audited, &c.

4. The pound master, upon discharging such animals, shall be entitled to receive from the owner his costs and compensation, together with the penalty incurred by their going at large in said village, unless such penalty shall be remitted by the trustees, as provided by this act. He shall pay over to the treasurer of said village quarterly, or at such stated times as the trustees by-law shall direct, and, at the expiration of his term, all moneys received by him for penalties. He shall also, within one week preceding any annual meeting of the electors of said village, and at such other

times as the trustees shall require, render to the trustees an account, in writing, on oath, of all penalties received by him.

Chief engineer of fire department

§ 75. The chief engineer of the fire department shall, under the direction of the trustees, have the general superintendence and custody of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the prevention and extinguishment of fires; it shall be his duty to see that the same are kept in proper order; to call out and exercise the fire companies of said village, with their apparatus, at least once in three months; and to make detailed reports to the trustees of the state of that department, one week before such annual meeting, and to make like reports to the trustees as often as they shall require.

Duty of chief engineer.

§ 76. It shall be the duty of the chief engineer to be present at fires of buildings, and take command of the fire companies, and the general control of the apparatus for extinguishment of fires.

Assistant engineer.

§ 77. The assistant engineer shall aid the chief engineer at all fires, and in the absence of the chief engineer the duties and powers of the office shall be exercised by the assistant engineer.

Tax to procure fire engines.

§ 78. After the legal voters of said village shall have, pursuant to law, voted to raise by tax a sufficient sum to procure a fire engine or engines, and the necessary apparatus, the trustees shall have power to organize fire companies in said village, under such rules and regulations as the said trustees shall prescribe; and in their discretion to permit the formation of such fire companies in the first instance, by the voluntary association of thirty or more inhabitants of said village in each company, under the direction, and subject to the approval and control of the said trustees.

Firemen.

§ 79. The firemen shall be appointed, and vacancies filled in the different companies of the fire department in said village by the trustees, upon nomination by a majority of the company in which such appointment is made or vacancy filled. The trustees may withhold and refuse such appointment, if, in their judgment, the person thus nominated ought not to be appointed.

Hook and ladder companies.

§ 80. The trustees shall have power, in their discretion, to organize hook and ladder or hose companies,

and to disband such, and such fire companies as they may deem unnecessary, or such as may prove refractory and unwilling to obey the lawful orders of the trustees.

§ 81. The members of the different companies composing the fire department of said village shall, annually, and at such time or times, and in such manner as the trustees shall designate, vote for a chief engineer and assistant engineer of the fire department of said village; and each person who shall receive the highest number of votes for such offices shall be appointed thereto by the trustees, unless in their judgment he ought not, for any cause, to be thus appointed. In case such nomination shall not be ratified by the trustees, they shall order a new election, and at such new election the person or persons thus rejected shall be ineligible, and all votes given for him at such new election shall be void.

Members of
fire department
to vote
for chief
engineer,
&c.

§ 82. Any officer or member of the fire department may be removed by the board of trustees for incapacity, neglect of duty, misconduct or intemperance, after giving him five days' notice to show cause against such removal, and an opportunity of being heard in his defense, and in the meantime they may suspend him without notice.

Trustees
may re-
move fire-
men.

§ 83. The fire wardens shall, from time to time, examine the fire engines, fire buckets, and other apparatus for extinguishing fires in said village, and report their condition to the trustees; they shall attend such fires and give directions in respect to the manner of extinguishing the same; and it shall be the duty of all persons who shall be required to assist in extinguishing such fires, to obey such directions; they may, in the daytime, enter any building in such village in which there shall be a fireplace, stove or stove pipe, for the purpose of examining the same; they may also, in the daytime, enter upon any premises in such village for the purpose of ascertaining whether ashes are safely kept thereon; and if they shall find any fireplace, stove, stove pipe, or place of keeping ashes, unsafe, they shall report the same to the trustees.

Fire
wardens.

§ 84. The trustees may pass such ordinances for the government of fire, hook and ladder or hose companies as they shall deem proper, not inconsistent with the

Ordinances
for govern-
ment of fire
department

* So in original.

laws of this state or the United States, and may enforce such ordinances by penalties not exceeding twenty dollars, for any offense, to be sued for in the name of and recovered for the use of said village.

Fines, &c.

§ 85. All fines, forfeitures and penalties, and all moneys received for licenses, under section forty-seven of this,* unless otherwise provided by this act, shall be paid to the treasurer, and may be applied by the trustees to any purpose consistent with this act.

Original
book of
record

§ 86. The original book of records of said village may be read in evidence in all courts, and in all judicial proceedings, as evidence of anything therein contained, and required to be recorded therein, and an exemplification or certified copy under the hand of the clerk, and the seal of said corporation, of any part of such records, or any paper instrument, warrant, roll or other thing required to be filed in his office, may be read in evidence with the same effect as the original, in all courts and judicial proceedings in this state.

Actions to
recover
penalty.

§ 87. All actions brought to recover any penalty or forfeiture for the violation of any village ordinance, by-law, rule or regulation imposed by said village corporation, shall be brought in the name of the corporation, and the first process in any such action may be by summons or warrant, and execution may issue immediately on the rendition of judgment. If the defendant in any such action has * goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the jail of the county in which such village may be situated, for a term not exceeding thirty days; and no person shall be an incompetent judge, justice, juror or witness in any action in which the said village is a party or is interested by reason of his being an inhabitant or owner of personal or real estate therein.

Complaint,
how made.

§ 88. In any action brought to recover a penalty for the violation of any provision of this act, or of any by-law, regulation or ordinance of said village, it shall only be necessary to state in the complaint, the section of this act, or the title and section of the by-law, regulation or ordinance alleged to be violated, the time of its adoption,

* So in original.

the amount of the penalty claimed, and any other may be given in evidence without being stated in complaint. The process for the commencement of any such action, shall have an indorsement thereon, to the effect that it is issued to enforce a penalty imposed in accordance with the provisions of the act incorporating the village of Lancaster, and no other indorsement thereon shall be necessary.

99. Three trustees shall constitute a quorum for the transaction of business, except when herein otherwise provided. The vote or assent of a majority of the members present at any meeting of the trustees, when a quorum is present, shall render valid any resolution adopted, act done, or business transacted at such meeting, except when herein otherwise provided.

100. Whenever the word "trustees" occurs in this act except in sections four and five), in referring to any act to be done by them, it shall be construed to mean a majority of the trustees, or a quorum sufficient for the transaction of business. The word "trustee," when it occurs in this act, shall be deemed to include the presi-

Quorum of trustees.

"Trustees," word occurring.

101. All resignations of any officers under this act shall be made to the trustees, subject to their accept-

102. All oaths or affidavits which are required or authorized by this act, may be taken before the president or clerk of said village or the clerk thereof; but the said president or clerk shall not be entitled to receive any fee for administering such oath.

Oath and affidavits.

103. All proceedings or provisions relative to the incorporation of said village, inconsistent with this act, are hereby repealed; but such repeal shall not affect any act done, privilege granted, or right secured or established, or claim against said village, or any suit, proceeding or prosecution had or commenced previous to the time when such repeal shall take effect. All by-laws, ordinances or regulations now in force in the said village, and not inconsistent with this act, shall continue in full force until they shall be altered, modified or repealed by the trustees, under and by virtue of this act.

Repeal of other acts.

104. The trustees shall receive for their services, for performing the duties of commissioners of high-

Compensation of trustees as commissioners.

missioners
of highways

ways, the same compensation allowed to commissioners of highways of towns for similar services.

§ 95. This act is hereby declared to be a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained or intended.

§ 96. The legislature may at any time repeal or modify this act.

§ 97. This act shall take effect immediately.

Chap. 321.

AN ACT for the better preservation of the public records, and for other purposes.

Passed April 14th, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Manuscript
papers plac-
ed in charge
of regents,
&c.

SECTION 1. The manuscript or printed papers of the legislature, usually termed "on file," and which have been on file for a longer period than five years, in the custody of the clerks of the senate and assembly, and all other public records of the state, not in the custody of some public officer, shall hereafter be placed in charge of the regents of the university.

No papers
removed
from state
officers.

§ 2. This act shall not be construed to cause the removal of the documents on record in the office of the secretary of state or in the custody of either of the state officers.

Duty of
trustees of
capitol.

§ 3. It shall be the duty of the trustees of the capitol to assign and suitably arrange the room formerly in the use of the judges of the court of appeals, and any other rooms which may be needed and can be spared for the purposes of this act.

Regents of
university
to have sole
charge.

§ 4. The regents of the university shall have the sole charge and custody of the records and papers mentioned in the first section of this act, and no paper shall be removed from the files in their custody, or in the charge of the clerks of either house, except on a resolution of the senate or assembly; withdrawing the same for a temporary purpose, and in case of such removal, a de-

tion of the paper, and the name of the officer or person receiving the same shall be entered in a book to be provided for the purpose, with the date of its delivery and return. Nothing contained in this act shall be construed to prevent the clerk of the senate or assembly, or any person appointed by either of them for that purpose, from having access to any papers of the senate or assembly, respectively, for the purpose of taking copies of the same as hereinafter provided.

It shall be the duty of the regents of the university, and of the clerks of the senate and assembly, respectively, to cause all papers in their charge to be so indexed and arranged that they can be easily found.

No paper shall be withdrawn from the files of the senate or assembly except temporarily, as is provided for in section four of this act, whether the same be in the charge of the regents, or of the clerks of either house, but every person applying therefor to the clerk of the senate or assembly, shall be entitled to receive a certified copy of any petition, memorial, remonstrance, resolution, affidavit, report or other paper of any kind deposited in the files upon payment to said clerk for such copy a certificate, for his own use, the same fees which are now charged by the secretary of state for engrossing and certifying exemplifications of records deposited in his office. A copy of any paper on the files of the senate, certified by the clerk of the senate, with his seal of office attached, or a copy of any paper on the files of the assembly, certified by the clerk of the assembly, with his seal of office attached, may be read and received in evidence in any of the courts of this state, or before the canal commissioners, the canal judges, or before any state officer or other authority in the same manner, and with the same effect as if the original were produced. The clerks of the senate and assembly, respectively shall forthwith procure a suitable seal and use the same for the purposes of this act, and shall each deposit a certified copy of such seal in the office of the secretary of state.

It shall be the duty of the joint library committee of the legislature, annually, to examine and report to the legislature, the condition of the public books in the custody either of the clerks of the senate

Duty of
regents and
clerks of
both houses

Certified
copies of
papers.

Fees.

Copies to be
evidence,
&c.

Duty of
joint library
committee.

or assembly, of the regents, of the secretary of state, and all other state officers in the city of Albany, and particularly whether section five of this act is faithfully observed; and the regents of the university shall report to the legislature, at the commencement of every session, a list of all papers taken from their custody in accordance with section four of this act which have not been returned, with the date of their withdrawal, and the name of the officer receiving the same.

§ 8. This act shall take effect immediately.

Chap. 322.

AN ACT to incorporate the fire department of the village of Elmira.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Body
corporate.

SECTION 1. All such persons as now are or shall hereafter be members of each and every fire company, organized and to be organized by the trustees of village of Elmira, in the county of Chemung, under the charter of said village, shall be and continue a body corporate, by the name of "The Fire Department of the village of Elmira," and they and their successors by the said name, are authorized to purchase, receive by gift, or otherwise hold and convey, any real and personal property, for the use of said corporation, not exceeding in value the sum of ten thousand dollars.

Board of
trustees.

§ 2. There shall be a board of trustees, who shall have the management and control of the affairs and property of the said corporation, and such other powers, and subject to such obligations as hereinafter provided. The first trustees shall be Washington Marsh, James H. Stowell, John I. Nicks, Hector M. Stocum, John Arnot, Jr., John Cass, Edwin A. Carl, Austin Stull, Grandison A. Gridley, Robert S. Wines, Warren R. Coddington and Thomas Maxwell, of whom the following shall be the first officers, viz.: Robert S. Wines, president; James H. Stowell, vice-president; Warren R. Coddington,

ton, secretary, who shall hold their respective offices until others are chosen in their stead.

§ 3. The said several fire companies shall, on the first Monday in April next, and on said day in each year thereafter, hold an election and thereat elect two persons from the members of said companies respectively, and the persons thus elected shall thereafter form the said board of trustees; and said board shall, on the first Wednesday after the first Monday in April next, and on said day in each year thereafter, choose, out of their own body, by ballot, a president, vice-president and secretary; the said secretary to be the secretary of the department. The said companies shall also, on the second Tuesday in April next, and on said day in each year thereafter, hold an election and thereat elect a chief engineer, first assistant engineer, second assistant engineer and treasurer. The said elections shall be held by each company separately and at their respective engine houses (unless it shall be necessary to hold the same at different places, in which case the same shall be held at such places as the said board shall direct). The said board shall appoint, from its members, two inspectors of the first election, of each of said companies, under this act, who shall act as such inspectors; and thereafter the two persons elected by said companies respectively as their respective trustees, shall be the inspectors of all elections by their respective companies. The inspectors shall bring the returns of each election before the board of trustees aforesaid, at their first meeting after such election, and the said board shall meet within three days after each election and examine into and decide the result thereof. And the said board shall, by their president or otherwise, as the board shall direct, make known to the trustees of the village aforesaid the result of each election for the offices of chief and assistant engineers, within three days after the same shall have been decided by them; and said trustees of the village shall thereupon approve or disapprove of the engineers so elected; and if said trustees of the village shall disapprove thereof, or of either thereof, or shall neglect to approve or disapprove thereof, or of either thereof, for two weeks after being thus notified of such election, then the board of trustees, by its secretary, shall call a special election of

Trustees,
how elected

Chief engi-
neer, &c.

Inspectors
of election,
duties of.

said companies, at their respective houses, at which shall be elected persons to fill said offices, or such of them as are not filled by such prior election, and approved by said trustees of the village. All of the officers aforesaid shall hold their respective offices until the next election and until their successors shall be chosen as aforesaid.

By-laws,
&c.

§ 4. The said trustees shall have power to make such by-laws, rules and regulations, from time to time, as they may deem expedient and proper, not inconsistent with the charter and by-laws of said village, and may be convened by the president, or as may be provided by said laws, rules and regulations. The treasurer shall give security to said board of trustees for the faithful performance of his duties; and at every annual meeting, or oftener if required by the trustees, shall render to them a true account of the property of the department and of his action as treasurer. The said trustees shall have power to remove any of the officers of the board of trustees, after three days' previous notice, in writing, of the charges preferred, and elect others in their stead. A majority of the trustees shall constitute a quorum for the transaction of business, and the acts of said board herein authorized, may be done by such majority. The board of trustees shall fill, from its members, all vacancies which may occur in the offices of said board, until the next election after the occurrence of such vacancies; and may, by its president, or otherwise, as said board shall direct, call special elections to fill vacancies in any of the offices in this act mentioned. Notice of the time of all elections under this act shall be given by the secretary, at least five days before the time thereof, by publication thereof in at least one of the newspapers of the village.

Power of
trustees, in
regard to
removal
from office,
&c.

Funds to be
applied to
the relief of
indigent
firemen, &c

§ 5. The board of trustees shall apply the funds of said corporation, which shall arise from chimney fines, certificates of membership, money paid by insurance companies in pursuance of law, and donations, or such parts of said funds or of the income thereof, as they shall deem proper, to the relief of indigent and disabled firemen or their families; and also to defray such contingent expenses as may be necessary in the transaction of the business of said board of trustees.

The fire companies aforesaid shall consist of at least thirty persons each, and the members of any of the companies which shall not contain said number, shall not be members of this corporation, except that if any company shall be reduced below said number, the company shall not be disbanded nor forfeit any of its rights or privileges under this act, provided its said full number shall be filled within thirty days after said company is required so to do, by the said board of trustees.

Fire companies to consist of at least 30 persons.

Each of said fire companies shall have the right to pass by-laws for its own government, not inconsistent with the by-laws, rules and regulations established by the said board of trustees, or the charter and by-laws of said village.

Each fire company to pass by-laws.

The said fire department shall possess the general powers of a corporation, as defined and limited in the first section of the eighteenth chapter of part first of the Statutes of this state, and shall be subject to the provisions of such chapter, so far as they may be applicable to said department and the organization thereof; and so far as the same are not inconsistent with this act; and all such parts of the charter of the said village which are inconsistent with this act are repealed.

General powers.

The said board of trustees shall have power to impose reasonable fines and penalties for violation by the members of said corporation, of the by-laws, rules and regulations of said board, and to sue in the corporation for the recovery of such penalties.

Fines, penalties, &c.

All moneys and evidences of indebtedness now in the hands of or belonging to the treasurer of the fire department of said village, as the same, before the passage of this act, has been and is organized, shall be transferred to the treasurer of the said corporation, upon his receipt thereof; and all moneys which by law now are or hereafter may be directed to be paid into the treasury of said village, or otherwise, and which now are or hereafter by law be directed to be paid by any insurance companies, or other companies or persons, or for the purposes of the fire department of said village, shall be payable to the treasurer of the said corporation.

Moneys now in hands of treasurer, to be paid to new treasurer.

This act shall take effect immediately.

Chap. 323.

AN ACT to define the powers and duties of the superintendents of the poor in the county of Monroe.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be competent for the board of supervisors of the county of Monroe, at any meeting of said board, by a vote of a majority of the supervisors elected, to authorize the superintendents of poor of the county of Monroe, to grant temporary relief, not exceeding in amount twenty-five dollars, to county paupers, other than at the county-house, in all cases where it shall be apparent to them that the cost of support will be less expensive to the county.

§ 2. This act shall take effect immediately.

Chap. 324.

AN ACT authorizing the clerk of Monroe county to appoint an assistant deputy county clerk.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The clerk of the county of Monroe is hereby authorized to appoint an assistant deputy county clerk, who may perform all the duties appertaining to the office of clerk whenever the county clerk and deputy shall be absent from the office, except of deciding upon the sufficiency of the security of any officers.

§ 2. This act shall take effect immediately.

Chap. 325.

ACT to authorize certain Methodist Episcopal churches in the city of Brooklyn to sell burial ground, and remove remains therefrom.

Passed April 14, 1859.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows :

SECTION 1. The trustees of "the First Methodist Episcopal church, in the town of Brooklyn," and "the Second Methodist Episcopal church, in the city of Brooklyn," and "the Third Methodist Episcopal church, in the city of Brooklyn," are hereby authorized to sell at public or private sale, the land owned by said churches, fronting on and lying in the rear of the northerly side of Third street in said city, heretofore used as a burying ground, and by good and sufficient deed or deeds, to convey the same to the purchaser or purchasers thereof; but the purchaser shall enter into possession of any part of the land so sold, until all the remains of bodies buried thereon, and all headstones and monuments thereon, shall be removed therefrom, as hereinafter provided.

Certain
land to be
sold.

The said trustees are hereby authorized to remove the remains to be removed from said burial ground the remains of all bodies buried and now remaining therein, and all monuments and headstones thereon, to some suitable cemetery or burial ground, procured or to be procured by said trustees for that purpose; and in making the removal, in all cases where any such headstone or monument shall designate the particular place of deposit of the remains of any person by name, such remains shall be so buried in, and such headstone or monument shall be erected or placed upon the cemetery or burial ground so procured or to be procured, as to designate the particular place where such remains shall be deposited.

Bodies to be
removed.

This act shall take effect immediately.

Chap. 326.

AN ACT to reappropriate certain moneys for the enlargement and completion of the canals.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

\$30,726.43
appropriated.

SECTION 1. The sum of three hundred and thirty thousand, seven hundred and twenty-six dollars and forty-three cents, being the available and present unavailable, unexpended balance of three millions, two hundred and fifty thousand dollars, appropriated by the act entitled "An act making appropriations for the enlargement and completion of the canals of this state, for the fiscal year commencing October first, eighteen hundred and fifty-seven," passed April thirteenth, eighteen hundred and fifty-seven, after deducting three hundred thousand dollars, not realized from the loan authorized to be made and appropriated by the said act, is hereby reappropriated to the enlargement and completion of the canals, and such reappropriation shall be applied as follows :

Erie canal
enlargement.

The sum of one hundred and forty thousand, eight hundred and fifty-two dollars and fifty-six cents thereof to the enlargement of the Erie canal.

Oswego
canal.

The sum of one hundred and thirty-three thousand, and thirty-four dollars and ninety-six cents thereof to the enlargement of the Oswego canal.

Black River
canal.

The sum of fifty-six thousand, eight hundred and thirty-eight dollars and ninety-one cents thereof to the completion of the Black River canal.

The fifth clause of the second section of the act entitled "An act to provide the means for the enlargement and completion of the canals of this state, specified in section three, article seven of the constitution, for the fiscal year commencing October first, eighteen hundred and fifty-nine, and for other purposes," passed April sixth, eighteen hundred and fifty-nine, in the words following, to wit : "The sum of forty-nine thousand, seven hundred and eighty dollars thereof, first the sum necessary to the completion of the Black River canal reservoirs, and the residue to the improvement of the Black river," is hereby amended so as

to read as follows: The sum of forty-nine thousand seven hundred and eighty dollars thereof is hereby appropriated to the completion of so many of the Black River reservoirs as will, with the least expense, restore to the Black river eleven thousand cubic feet of water per minute, being the quantity diverted to the Erie canal, and the residue to the completion of the Black River canal.

§ 2. Any of the moneys hereby appropriated may be applied and paid on drafts given and dated between the first day of January and the first day of April, one thousand eight hundred and fifty-nine, for work done on contracts between the first day of December, eighteen hundred and fifty-eight, and the first day of March, eighteen hundred and fifty-nine, in cases where any such work has been done, or any such drafts have been given, and also for engineering expenses on said canals.

§ 3. This act shall take effect on the twentieth day of April instant, and any moneys which may before that day be paid out of the treasury on drafts drawn on the above balance shall be deemed and taken as payments on the above appropriation.

Chap. 327.

AN ACT granting to the Otsego Lake Turnpike Company all the rights and privileges which have been granted to and enjoyed by the Springfield Turnpike Company.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the rights and privileges granted to the Springfield Turnpike Company by section two, of chapter one hundred and sixty-one, of the laws of eighteen hundred and fifty-seven, of this state, are hereby granted to the Otsego Lake Turnpike Company.

§ 2. This act shall take effect immediately.

Chap. 328.

AN ACT appointing commissioners to lay out and open a highway in the town of Plainfield, in the county of Otsego.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ezra Graves of Herkimer, Samuel Green of Fairfield, both of Herkimer county, and Truxton G. Lamb of Columbus, in the county of Chenango, are hereby appointed commissioners to lay out a highway in the town of Plainfield in the county of Otsego, commencing at the road near the house of Charles H. Williamson, and northerly from said house, and running thence in an easterly direction, across the lands of the said Charles H. Williamson, Charles W. Rogers, Hamilton J. Whitford, and Joshua G. Sisson, and intersecting the road leading to Bushington Flats, near the shop of Mrs. Orrilla Dewey.

§ 2. The said commissioners shall meet at the house of said Charles H. Williamson, before the first day of June next, after the passage of this act, and after having been duly sworn to well and truly discharge their duties as such commissioners, they shall proceed to examine the route of the said proposed highway, and if in their judgment the said road is actually necessary for the convenience of the public travel, they shall immediately proceed to lay out the same, and shall cause a survey thereof, together with their order for laying out the said highway, to be filed and recorded in the office of the town clerk of the said town of Plainfield.

§ 3. The commissioners of highways of the said town of Plainfield shall, in case such road shall be laid out as aforesaid, attach the same to some road district contiguous thereto, and shall proceed with all due diligence to cause the said road to be opened and worked, and the damages to be sustained by reason of the laying out and opening of the same, shall be ascertained and paid in the same manner as is now provided by law for roads laid out by commissioners of highways of towns, except that the

same shall be assessed within sixty days from the time of laying out said road.

§ 4. The commissioners named in the first section of this act, shall each receive three dollars per day for each and every day necessarily occupied by them in laying out said road, to be paid by the supervisors of the said town of Plainfield out of any moneys which shall come to his hands belonging to the said town.

Chap. 329.

AN ACT to incorporate the fire department of the city of Syracuse.

Passed April 14, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All such persons as now are or shall hereafter be members of each and every fire company, organized and to be organized by the common council of the city of Syracuse, under the charter of said city, shall be and continue a body corporate, by the name of "the fire department of the city of Syracuse," and they and their successors by the said name, are authorized to purchase, receive by gift, or otherwise hold and convey, any real or personal property, for the use of said corporation, not exceeding in value the sum of ten thousand dollars.

Body
corporate.

SECTION 2. There shall be a board of trustees who shall have the management and control of the affairs and property of the said corporation, and such other powers and subject to such obligations as hereinafter provided. The first trustees shall be Dennis M. Stewart, John Leahey, Jacob Walter, Jr., Warren Hutchins, Peter Miller, Frederick Shug, Moses O. Nichols, J. Stanton Collins, Edwin Hurd, Peter Connely, Nathan C. Fonda, John Stedman, Isaac Kahn, Abraham Fredendall, Joseph Fouth, Charles Strow ; and the following shall be the first officers, viz.: Benjamin L. Higgins, president ; Isaac Kahn, vice-president ; James R. Mann, secretary ; Peter Miller, treasurer ; Edwin Hurd, collector, who shall hold their respective offices until others are chosen in their stead.

Board of
trustees.

First
trustees.

Officers.

Trustees,
how elected

SECTION 3. The said several fire companies shall, on the first Tuesday in January next, and on said day in each year thereafter, hold an election, and thereat elect two persons from the members of said companies, respectively, and the persons thus elected shall thereafter form the said board of trustees; and said board shall, on the second Tuesday in January next, and on said day in each year thereafter, choose, out of the body of firemen, or from the exempt firemen who shall have been members of the fire department, and served as such the time prescribed by law, a president, vice-president, secretary, treasurer and collector.

Power of
trustees.

SECTION 4. The said trustees shall have power to make such by-laws, rules and regulations, from time to time, as they may deem expedient and proper, not inconsistent with the charter and ordinances of said city, and may be convened by the president, or as may be provided by said laws, rules and regulations. The treasurer shall give security to said board of trustees for the faithful performance of his duties, and at every annual meeting, or oftener if required by the trustees, shall render to them a true account of the property of the department, and of his action as treasurer. The said trustees shall have power to remove any of the officers of the board of trustees, after three days' previous notice, in writing, of the charges preferred, and elect others in their stead. A majority of the trustees shall constitute a quorum for the transaction of business, and the acts of said board herein authorized, may be done by such majority. The board of trustees shall fill all vacancies which may occur in the offices of said board, until the next election after the occurrence of such vacancies; and may, by its president, or otherwise, as said board shall direct, call special elections to fill vacancies in any of the offices in this act mentioned; but in case of a vacancy in the office of trustee, such vacancy shall be filled by the company from which such trustee is deputed. Notice of the time of all elections under this act shall be given by the secretary, at least five days before the time thereof, by publication thereof in at least one of the newspapers of the city.

Funds, how
to be appli-
ed.

SECTION 5. The board of trustees shall apply the funds of said corporation, which shall arise from such fines as may accrue from the violation of any law or ordinance

of the city of Syracuse, which provides that said fines shall be paid for the benefit of indigent or disabled firemen, or their families, or which may accrue from certificates of membership; money paid by insurance companies in pursuance of law, and donations, or such parts of said funds or of the income thereof as they shall deem proper, to the relief of indigent and disabled firemen or their families; and also to defray such contingent expenses as may be necessary in the transaction of the business of said board of trustees.

SECTION 6. The said fire department shall possess the general powers of a corporation, as defined and limited in title three of the eighteenth chapter of part first of the Revised Statutes of this state, and shall be subject to the provisions of such chapter, so far as they may be applicable to said department and the organization thereof, and so far as the same are not inconsistent with this act.

General powers.

SECTION 7. The said board of trustees shall have power to impose reasonable fines and penalties for the violation by the members of said corporation, of the by-laws, rules and regulations of said board, and to sue in the corporate name for the recovery of such penalties.

Fines and penalties.

SECTION 8. All moneys and evidences of indebtedness now in the hands of or belonging to the treasurer of the fire department of said city, as the same was organized before the passage of this act, shall be paid to the treasurer of the fire department incorporated by this act upon his demand for the same, and all moneys which by law now are or which hereafter may be directed by law to be paid into the treasury of said city, for the use and benefit of said fire department, shall be paid to the treasurer of said department; but this section shall not apply to any moneys appropriated by the said city for the support of the fire department, nor to the moneys received by said city previous to the first of January eighteen hundred and fifty-nine, under and in pursuance of the provisions of chapter one hundred and seventy-eight of the Laws of eighteen hundred and forty-nine.

§ 9. This act shall take effect immediately.

Chap. 330.

AN ACT to amend an act entitled "An act to incorporate the fire department of the village of Watertown," passed April tenth, eighteen hundred and fifty.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act entitled "An act to incorporate the fire department of the village of Watertown," passed April tenth, eighteen hundred and fifty, is hereby amended by adding thereto the following sections, to wit:

Power to
disband old
companies
and organ-
ize new.

§ 9. The board of directors of said department shall have power to organize new and disband old companies attached to said department, and to expel and discharge members for good causes, in their discretion, and to direct that certificates of service shall not be issued to members who are dishonorably discharged or expelled.

Firemen
exempt
from poll
tax.

§ 10. The present members of the fire department of the village of Watertown, and all persons who shall hereafter become members of said department, while in actual service shall be exempt from poll tax.

Property
exempt
from tax-
ation.

§ 11. The real and personal estate, owned, held or possessed by said department, shall be exempt from taxation.

Penalty for
taking
property of
department

§ 12. Any person or persons who are not members of said department, who shall take or cause to be taken from any engine, hose, hook and ladder house, buildings or rooms, owned, used or occupied by said department, or any of the companies thereof, or any member, who shall take from the house or room of a company of said department of which he is not a member, any hose, ladder, cart, tools, implements or property belonging to or used by the said department, or any of the companies thereof, for fire purposes, except in case of fire, or an alarm of fire, and then only for the purpose of using the same at said fire, or for the purpose of repairing, without the consent of the chief engineer of said department or one of his assistants, or by permission of the board of directors of said department, shall pay a fine of ten dol-

lars for every article so taken, and double the value of the property taken, together with all costs, to be sued for and collected by and in the name of the fire department of the village of Watertown, in any court having jurisdiction thereof, and the finding of any such property in the possession of any person shall be prima facie evidence that the same was taken by the person in whose possession or upon whose premises the same shall be found; and such fine, when paid or collected, shall be paid to the treasurer of the said fire department, for the use and benefit of said department; and the execution on the judgment in such action shall be issued against the property and body of the defendant, and if sufficient property not exempted from execution cannot be found to satisfy the same, the defendant shall be imprisoned in the jail of Jefferson county for a period of one day for every fifty cents of said execution not satisfied, and the defendant shall not be entitled to the liberty of the limits of said jail.

§ 13. Any person or persons who shall in any manner directly or indirectly interfere with, intermeddle, handle, or obstruct the operations of the said fire department, or any of the officers or members thereof, or if any member shall willfully disobey the orders of the officers of said department when in the discharge of their duties as firemen, shall be deemed and they are hereby declared to be disorderly persons.

Penalty for
meddling,
&c.

§ 14. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 15. This act shall take effect immediately.

Chap. 331.

AN ACT to amend an act entitled "An act to authorize the Rome and Oswego Road Company to borrow money to rebuild and repair their road, and for other purposes," passed April seventh, eighteen hundred and fifty-eight.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourth section of the act entitled "An act to authorize the Rome and Oswego Road Company to borrow money to rebuild and repair their road, and for other purposes," passed April seventh, one thousand eight hundred and fifty-eight, is hereby amended so as to read as follows:

The track of said road shall be constructed of timber, plank or gravel, or other hard material, so that the same shall form a hard and even surface, and be constructed of such width as to permit carriages and other vehicles conveniently and easily to pass each other, and also so as to permit all carriages to pass on and off said road when such road shall be intersected by other roads.

§ 2. The fifth section of said act is hereby repealed.

§ 3. The inspectors of plankroads, appointed by the board of supervisors of the county of Oswego, pursuant to the provisions of the act entitled "An act to provide for the incorporation of companies to construct plankroads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and fifty-seven, and the several acts amendatory thereof, shall have the same power and supervision over the Rome and Oswego Road Company which they now have over the other plankroads in said county.

§ 4. This act shall take effect immediately.

Chap. 332.

AN ACT to amend an act entitled "An act to amend the several acts incorporating the village of Pulaski, in the county of Oswego," passed April nineteenth, eighteen hundred and fifty-eight.

Passed April 14, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fifty-nine of the act entitled "An act to amend the several acts incorporating the village of Pulaski," passed April nineteenth, eighteen hundred and fifty-eight, is hereby amended so as to read as follows :

§ 59. The police constable shall have the powers in all criminal cases of a constable of the town, and be subject to the same duties and liabilities; it shall be his special duty to see that the police regulations of the village are observed, and to discover and report to the president and trustees all violations thereof; he shall have the power, without process, to arrest and bring before a magistrate persons guilty, in his presence, of violating the public peace, or any village ordinance for the preservation of public order and decorum, and he shall likewise take into custody any person intoxicated so as to be unable to take care of himself, and to keep him in a proper place provided by the trustees, until provided for by his friends, or he be able to go about his business; and every such arrest shall be immediately reported, in writing, stating the cause of arrest by him, to the president of the village, and to a magistrate therein; the police constable shall be entitled to the same fees as other constables for similar services. Deputy police constables may be appointed by the trustees for any special service or occasion, to receive no fees, but who shall be paid a stated sum for each day's service as such, but with no power to serve civil process.

Powers of
police con-
stable.

§ 2. Section sixty-six of said act is hereby amended so as to read as follows :

§ 66. The police justice shall be elected at the annual election of officers in said village, and shall hold his

Police jus-
tice, when
elected and

term of
office.
Oath of
office.

office for four years and until another is elected in his place. Before entering upon the duties of his office, he shall take and subscribe the usual oath of office, and file the same in the clerk's office of Oswego county, at which office his election shall be certified by the president and clerk of said village. The said police justice shall possess the same power in all criminal cases, be subject to the same duties and liabilities, and be entitled to the same fees therefor as justices of the peace of the several towns in this state, except that he shall not be a member of the board of auditors for auditing of town accounts, nor of the appointing board of town officers. His fees shall be collected in the same manner as justices of the peace in similar cases. He shall reside within the bounds of said village, and shall keep his office in some convenient place therein.

Chap. 333.

AN ACT to make a separate road district of the second election district of the town of Southfield, in the county of Richmond, and to provide for draining the same.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Separate
road district

SECTION 1. The second election district of the town of Southfield, in the county of Richmond (as the same is now bounded and described), is hereby constituted a separate road district, and the same shall be exempt from the superintendence and control of the commissioners of highways of the said town of Southfield, and no alteration which may hereafter be made by the board of town officers shall in any wise affect the said boundaries, so far as the same relate to the said road district.

Commis-
sioners.

§ 2. The said district shall be under the superintendence and control of three commissioners, to be styled "The commissioners of highways of Bay View road district." Dennis Haggerty, Peter S. Wandell and John Scott shall constitute the first board of commissioners of

highways for said district, and shall hold their office from one to three years; that is to say, one shall go out of office in each year. The commissioners appointed by this act shall, within ten days after its passage, meet at the town clerk's office and determine, by lot, their respective classes, in the same manner as now provided by law in relation to the classification of the terms of justices of the peace.

§ 3. At the annual town meeting to be held in said town in the year eighteen hundred and sixty, and annually thereafter, there shall be elected one commissioner of highways for said district, in the same manner as town officers are elected; such commissioner shall be voted for on a separate ballot, which ballot shall not contain the name of more than one person, and shall be deposited in a separate box, to be provided by the officers who shall preside at the town meeting, and no person who is not, at the time of such annual town meeting, an actual resident of said district, shall be allowed to vote for said commissioners. The ballot provided for in this section shall be indorsed "commissioner," and every ballot which shall contain the name of more than one person shall be void. Where, at any such town meeting, two or more persons are to be elected to the office of commissioner of highways of said district, it shall be lawful for the electors of said district to proceed in the same manner as is provided by law for the election of justices of the peace, and all laws now in force relating thereto, so far as the same are consistent with the provisions of this act, shall apply to the election and classification of said commissioners.

Election of
commis-
sioners of
highways.

§ 4. If the people in said district shall neglect, at the annual town meeting, to choose such commissioners, or either of them, it shall be lawful for any three justices of the peace of the said town, by warrant, under their hands and seals, to appoint such commissioner, or either of them, and the persons so appointed shall be actual residents of said district, and shall hold office until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors; the justices making such appointment shall cause such warrant to be forthwith filed in the office of

Neglect to
choose com-
missioners.

the town clerk of said town, who shall forthwith give notice to the person appointed.

Oath of
office.

§ 5. The said commissioners, before entering upon the duties of their office, shall take and subscribe the oath of office prescribed by the constitution, and shall enter into a bond to the supervisor of the town of Southfield in the sum of one thousand dollars, with good and sufficient sureties, to be approved by the said supervisor, conditioned for the faithful performance of their duties as such commissioners; and if any commissioner shall neglect to take the said oath and file the said bond for ten days after he shall have been elected or appointed, the office shall be deemed vacant, and shall be filled by three justices of the peace, as herein provided.

Term of
office.

§ 6. The commissioners provided for by this act shall respectively hold their office for the time hereinbefore provided, and until others are chosen or appointed in their places, and shall have been qualified and given the bond herein required.

Care of
bridges.

§ 7. The said commissioners of highways shall have the care and superintendence of the highways, streets, alleys, sidewalks and bridges in said district; and it shall be their duty:

Duty of.

1. To prescribe the manner of repairing the highways, streets, alleys and sidewalks, and of altering and laying out the same, of erecting and repairing bridges and constructing sidewalks, and laying out and expending the money raised for highway and bridge purposes therein; and shall possess and exercise all the powers and perform all the duties of commissioners within the limits of said district, in like manner and with like effect as commissioners of highways of towns, and subject to the same penalties, so far as the same are consistent with the provisions of this act; and they shall keep the said highways, streets, alleys and bridges in good and proper repair.

Power to
assess, &c.

2. The said commissioners shall have power to assess, levy and collect, by tax, upon the taxable property and inhabitants in said district, such an amount, denominated "highway tax," as they shall deem necessary, not exceeding the sum hereinafter specified; which highway tax shall be assessed as follows: Each male inhabitant of twenty-one years and upwards shall be assessed fifty

cents, and the balance shall be assessed among and upon all persons owning property and estate, real and personal, incorporated companies, banks and banking associations in said district, according to the value of their real and personal estate in said district, not exceeding fifty cents for each two hundred and fifty dollars, which valuation shall be ascertained and determined by the last assessment roll of the said town. And it shall hereafter be the duty of the assessors of the said town to prepare a separate assessment roll for the use of the said commissioners, and deliver the same to them immediately after its completion. The said roll shall contain the names of all persons owning property and estate, real and personal, incorporated companies, banks and banking associations in said district, together with a brief description and valuation of the property owned by them, as the same shall be assessed by the said town assessors.

3. The said commissioners shall have power to appoint a superintendent of highways for said district, who shall hold his office during the pleasure of the commissioners. He shall, within ten days after being required so to do, deliver to the commissioners a list, subscribed by such superintendent, of the names of all the inhabitants in said district who are liable to pay highway tax, and to perform such other duties as shall be enjoined upon him by the commissioners.

Appoint a
superin-
tendent.

4. The said commissioners shall have power, and it shall be their duty to make, establish, maintain, keep in repair and open, and from time to time cleanse, all necessary drains, ditches and sewers within said district, so as to completely and effectually drain the property in the said district, and defray the expense thereof out of the highway taxes. They shall also have jurisdiction and control over all the drains, ditches and sewers within said district, whether in or upon the streets and alleys thereof or elsewhere, and may, in their discretion, cause the same or any of them, or any part thereof, to be kept in repair, and from time to time cleansed, and the expenses thereof paid out of the highway tax belonging to said district; and they may, in their discretion, require the owners or occupants of any lands or lot whereon any such drain, ditch or sewer shall be situated, or may be made or established, to repair and cleanse the same upon their

respective premises, as shall be directed by the commissioners, and in default thereof said commissioners may cause it to be done, and assess, levy and collect the expense thereof from such owner or occupants, in the same manner as herein provided for the collection of the highway tax.

Grade and
level high-
ways.

5. The said commissioners shall have power to grade and level the highways, streets and alleys of said district, and to establish and alter the grades thereof, and to cause such highways, streets and alleys to be worked, in conformity to such grades as the commissioners shall prescribe and establish; but no highway, street or alley, after having been worked according to such level and grade, shall be altered or regraded, unless two-thirds of the persons owning property on the line of said highway, street or alley shall consent, in writing, thereto; and the persons so consenting shall pay to those who shall remonstrate, in writing, to the commissioners against such regrading, the costs and expenses which they may be put to by reason of such regrading.

Sidewalks,
&c.

6. The said commissioners shall have power to make and construct, and cause to be made and constructed, sidewalks and crosswalks on any public road or street in said district, or any part of any such road, and to keep the same in proper repair, and said commissioners shall decide in what manner and of what material said sidewalks and crosswalks shall be made, and give public notice of such decision by publishing, for three weeks successively, in one or more of the newspapers published in said county, and by posting the said notice in three public places in their respective districts; and all the owners on the lines of said streets where such sidewalks and crosswalks are to be made shall, within four months after such publication, build and construct sidewalks at their own expense, upon their respective fronts, under the direction of the superintendent; and if such owner or owners shall fail within such time to build and construct such sidewalks, then the said commissioners shall cause the same to be built and constructed, and assess, levy and collect the cost and expense thereof from said owner or owners, in the same manner as herein provided for the levy, assessment and collection of the highway tax.

§ 8. The assessment roll of said district shall contain, near the right hand margin, three several and distinct columns, severally denominated and headed "highway tax," "collector's fees," "total tax and fees," in which shall be set down the sum total of said tax and fees. The real estate shall be briefly but properly described; and non-resident lands, if any there be, shall be assessed in the same manner as the lands of residents; the amount of highway tax levied upon each person named in the roll shall be set down in the proper column; and in all cases where any highway tax is charged upon any real estate, it shall be set opposite the particular real estate upon which it is charged. The assessment roll, when completed, and the highway taxes are therein entered, shall be filed with the clerk of the town of Southfield, and shall then be denominated the tax roll of said district; a duplicate thereof shall be made, with the proper warrant, under the hands of the said commissioners, annexed thereto, directed to the collector, and shall be the authority of the collector to collect said highway taxes.

Assessment
roll.

§ 9. The said tax roll, when completed and filed with the town clerk of the town, shall be a lien on the real estate therein described to the amount of the highway tax as aforesaid, and the highway tax levied as aforesaid, shall be collected by a collector to be appointed by the commissioners (or they may employ the town collector), subject to the provisions of this act, by virtue of such warrant as aforesaid, together with his fees, which shall be one per cent, if paid within twenty days after public notice given by the collector, of the receipt of such roll and the times and places where the same may be paid to him, and upon all sums paid or collected after that time, five per cent; and in case any person shall refuse to pay his or her highway tax and the fees aforesaid, the said collectors shall levy the same by distress and sale of the goods and chattels of the delinquents in the same manner as collectors of town and county taxes are authorized to do, and such warrant shall command, require and authorize such collection of such tax and such enforcement thereof; and all moneys collected by the collector shall, after deducting his compensation therefor, be paid into the treasury of the county of Richmond, subject to the order of the commissioners.

Tax roll,
when com-
pleted.

Collector to
be appoint-
ed.

§ 10. The said commissioners may appoint a collector with all the powers and duties of a town collector, or they may employ the town collector of the town in which said district is situated, for the purpose of collecting the said tax, and all laws now in force relating to the collection of town and county taxes shall apply to said collector.

Bond of
collector.

§ 11. The said collector shall, before he enters upon the duties of his office, and within five days after the tax roll shall be filed with the town clerk, execute to the said commissioners and file with the said clerk a bond, with two or more sureties, to be freeholders of the county of Richmond. and to be approved by the commissioners in such penalty as they shall direct, and conditioned for the faithful discharge of his duties as such collector, and for the honest and faithful accounting for and paying over all moneys which shall come into his hands as such collector.

§ 12. The said tax shall be levied and collected between the first day of April and the first day of November following, in each year.

File with
county
treasurer,
&c.

§ 13. The said commissioners shall, immediately after the levying of any highway tax herein provided for, file with the county treasurer of the county of Richmond, a statement of the amount of the same, and of the time allowed to the collector for the collection and payment thereof to the said treasurer; and it shall be the duty of the said collector to collect and pay over to the said treasurer all of the said tax, within the time prescribed by the commissioners; and, in default thereof, it shall be the duty of the said treasurer in the same manner as he is by law authorized to do against the collector of county and town taxes, and all laws relating thereto shall apply to the collector of the said highway tax; and the said treasurer shall annually account to the board of supervisors for all moneys received by him under this act, in the same manner and with like effect as he is now required by law to do in relation to town and county taxes.

Surveyor.

§ 14. The said commissioners shall, whenever they deem it necessary to enable them to carry out the provisions of this act, have power to employ a surveyor, and the costs and expenses of the same shall be paid out of the highway tax.

Dead
animals.

§ 15. The said commissioners are hereby authorized,

shall be their duty at all times, under a penalty of \$100, to cause all dead animals to be removed from any highway, street or alley within said district, within twenty days after having received notice of the same, and the costs and expenses thereof shall be paid out of the district tax; and for every neglect of this section the commissioners or commissioner so notified shall forfeit the sum of ten dollars, to be sued for and recovered before any court of the peace, in the name of the supervisor of the district by any taxpayer of the said district, which penalty collected shall be paid by the justice to the county treasurer for the benefit of the highways in said district.

Every highway, street and alley in said district, which the said commissioners shall deem necessary to have graded or worked, shall be let out by contract to the lowest bidder, and it shall be the duty of the commissioners to prepare, or cause to be prepared, a specification of the leveling, grading or working necessary to be done on any highway, street or alley in said district, and to publish the same, together with the amount of securities required, in one or both of the papers printed in said district; and also cause printed public notice of the same to be published in at least ten public places in said district; and the notice shall also specify the time and place where the commissioners will meet for the purpose of receiving proposals for land leveling, grading or working, and determining to whom the contract or contracts shall be awarded; but no proposals shall be considered by the commissioners unless the name of the sureties required therein mentioned.

Contracts
for grading.

The commissioners shall require from the contractor a strict compliance with all the conditions and covenants of his contract, and shall in no case make any payment to a contractor who has not fully complied with the terms of his contract; and for every violation of this section, the said commissioners shall be deemed guilty of a misdemeanor; and all contracts made by the commissioners with any person or persons, shall, at the expense of any taxpayer, be open for his inspection and examination.

Contractor,
duty of.

The said commissioners shall receive each the sum of one dollar and fifty cents per day, for every day

Pay of com-
missioners.

actually and necessarily devoted by them to the service of said district under the provisions of this act, to be paid out of the highway tax; and the said superintendent shall be allowed for the services performed by him under this act, such compensation as the commissioners may fix, but such compensation shall in no case exceed that herein allowed to the commissioners, and shall be paid in like manner.

Commissioners to account to board of auditors.

§ 19. The said commissioners shall annually, on the Tuesday preceding the annual meeting to be held in such town, account to the board of auditors of town accounts for the amount of highway tax levied by them, and of the manner in which the same has been disbursed; and the said board shall meet for the purpose of examining the same annually, on the day herein specified, at ten o'clock in the forenoon, at the town clerk's office in said town.

Board to examine accounts.

§ 20. The said board shall examine and audit the accounts of said commissioners, and the accounts so audited shall be delivered, with the certificate of the audit, to the town clerk, to be by him kept on file for the inspection of any of the inhabitants or taxpayers of the said district.

Accounts to be presented, &c.

§ 21. The said commissioners shall present to the said board of auditors at the said meeting, for the purpose of being examined and audited, their accounts and charges for services rendered said district as such commissioners, which account shall be made out and sworn to in the same manner as the accounts of town officers are now by law required to be; and it shall be the duty of the auditors to examine the said accounts and charges, and, if the same shall be found to be correct, they shall issue an order on the county treasurer, in favor of the commissioners, requiring him to pay the accounts so audited to the said commissioners, out of the highway tax in his hands; but such accounts shall not be audited unless made out and sworn to as herein provided.

§ 22. The said commissioners shall, at the expense of the district, procure a suitable book, in which they shall enter and record all their proceedings as such commissioners, which book shall be open for the inspection of all taxpayers of said district.

§ 23. All maps and papers relating to the highways in

district shall be filed by the commissioners in the office of the town clerk of the town of Southfield.

4. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed, so far as they relate to said district.

5. This act shall take effect immediately.

Chap. 334.

AN ACT to make separate road districts of the third election district of the town of Southfield, and the first election district of the town of Stapleton, in the county of Richmond, and to provide for draining the same.

Passed April 14, 1859; three-fifths being present.

People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third election district of the town of Southfield, and the first election district of the town of Stapleton, in the county of Richmond (as the same are bounded and described), are hereby constituted separate road districts, and the same shall be exempt from the superintendence and control of the commissioners of highways of the said towns of Southfield and Stapleton; and no alteration which may hereafter be made by the board of town officers shall in any wise affect the said boundaries, so far as the same relate to the said districts.

The said districts shall each, respectively, be under the superintendence and control of three commissioners, styled "The commissioners of streets, of Stapleton district," for the district in Southfield; and "The commissioners of streets, of Tompkinsville district," for the district in Castleton. John Donohoe, William Corry, Caleb Bartlett shall constitute the first board of commissioners of streets for Stapleton district; and Richard Smith, Edward Riley and Cornelius Journeay shall constitute the first board of commissioners of streets for Tompkinsville district, and shall hold their offices from and after the first day of January next, for the term of three years respectively, that is to say, one com-

Separate
road dis-
tricts.

Under con-
trol of com-
missioners
of streets,
&c.

missioner of each district shall go out of office in each year. The said John Donohoe and Richard G. Smith, respectively, to hold for three years; the said William Corry and Edward Riley, respectively, to hold for two years; and the said Caleb Bartlett and Cornelius* respectively, to hold for one year.

Commis-
sioners of
streets,
when elect-
ed.

Ballot.

§ 3. On the first Tuesday of April, in the year eighteen hundred and sixty, and annually thereafter, there shall be elected, in each district, one commissioner of streets for said respective districts, in the same manner as town officers are elected; such commissioner shall be voted for by ballot, which ballot shall not contain the name of more than one person, and shall be deposited in a box, to be provided by the officers who preside at the respective town meetings, and no person who is not, at the time of such annual election, an actual resident of said district, shall be allowed to vote for said commissioners. The ballot provided for in this section shall be indorsed "commissioners," and every ballot which shall contain the name of more than one person, shall be void. Where, at any such election, two or more persons are to be elected to the office of commissioner of streets of said districts, it shall be lawful for the electors of said districts to proceed in the same manner as is provided by law for the election of justices of the peace; and all laws now in force, relating thereto, so far as the same are consistent with the provisions of this act, shall apply to the election and classification of said commissioners. No person shall be eligible for the office of commissioner under this act, unless he be a freeholder in said county.

Neglect to
elect com-
missioners.

§ 4. If the people in said district shall neglect, at such annual election, to choose such commissioners, or either of them, it shall be lawful for any three justices of the peace of said respective towns, by warrant, under their hands and seals, to appoint such commissioner, or either of them; and the persons so appointed shall be actual residents and freeholders of said district, and shall hold office until others are chosen or appointed in their places, and shall have the same powers, and be subject to the same duties and penalties, as if they had been duly chosen by the electors; the justices making such

* So in original.

appointment shall cause such warrant to be forthwith filed in the office of the town clerk of said town, who shall forthwith give notice to the person appointed.

§ 5. The said commissioners, before entering upon the duties of their office, shall take and subscribe the oath of office prescribed by the constitution, and shall enter into a bond to the supervisor of the town in which such district is situated, in the sum of one thousand dollars, with good and sufficient sureties, to be approved by the said supervisor, conditioned for the faithful performance of their duties as such commissioners; and if any commissioner shall neglect to take the said oath and file the said bond for ten days after he shall have been elected or appointed, the office shall be deemed vacant, and shall be filled by three justices of the peace, as herein provided.

Oath of office.

§ 6. The commissioners provided for by this act shall respectively hold their office for the time hereinbefore provided, and until others are chosen or appointed in their places, and shall have been qualified and given the bond herein required.

Term of office.

§ 7. The said commissioners of highways shall have the care and superintendence of the highways, streets, alleys, sidewalks and bridges in said respective districts and it shall be their duty:

Shall have care of highways, &c.

1. To prescribe the manner of repairing the highways, streets, alleys and sidewalks, and of altering and laying out the same, of erecting and repairing bridges, and constructing sidewalks and crosswalks, and laying out and expending the money raised for highway and bridge purposes therein; and shall possess and exercise all the powers and perform all the duties of commissioners within the limits of said respective districts, in like manner and with like effect as commissioners of highways of towns, and subject to the same penalties, so far as the same are consistent with the provisions of this act; and they shall keep the said highways, streets, alleys and bridges in good and proper repair.

To prescribe manner of repairing highways, &c.

2. The said commissioners shall have power to assess, levy and collect, by tax, upon the taxable property and inhabitants of said respective districts, such an amount, denominated "highway tax," as they shall deem necessary, not exceeding the sum hereinafter specified; which

Powers of commissioners.

highway tax shall be assessed as follows: Each male inhabitant of twenty-one years and upwards shall be assessed fifty cents, and the balance shall be assessed among and upon all persons owning property and estate, real and personal, incorporated companies, banks and banking associations in said districts, according to the value of their real and personal estate in said district, not exceeding fifty cents for each two hundred and fifty dollars, which valuation shall be ascertained and determined by the last assessment roll of the said towns. And it shall hereafter be the duty of the assessors of the said towns to prepare separate assessment rolls for the use of the said commissioners, and deliver the same to them immediately after their completion. The said rolls shall contain the names of all persons owning property, and estate, real and personal, incorporated companies, banks and banking associations in said districts, together with a brief description and valuation of the property owned by them, as the same shall be assessed by the said town assessors.

Duty of
assessors.

May ap-
point super-
intendent.

3. The said commissioners shall have power to appoint a superintendent of highways for each of said respective districts, who shall hold his office during the pleasure of the commissioners. He shall, within ten days after being required so to do, deliver to the commissioners a list, subscribed by such superintendent, of the names of all the inhabitants in said district who are liable to pay highway tax, and to perform such other duties as shall be enjoined upon him by the commissioners.

To establish
and main-
tain drains,
&c.

4. The said commissioners shall have power, and it shall be their duty, to make, establish, maintain, keep in repair and open, and from time to time cleanse, all necessary drains, ditches and sewers within said respective district so as to completely and effectually drain the property in the said districts, and defray the expense thereof out of the highway taxes. They shall also have jurisdiction and control over all the drains, ditches and sewers within said districts, whether in or upon the streets and alleys thereof or elsewhere, and may, in their discretion, cause the same, or any of them, or any part thereof, to be kept in repair, and from time to time cleansed, and the expenses thereof paid out of the highway tax belonging to said respective districts; and they may, in their discretion, require the

owners or occupants of any lands or lot whereon any such drain, ditch or sewer shall be situated, or may be made or established, to repair and cleanse the same upon their respective premises, as shall be directed by the commissioners, and in default thereof, said commissioners may cause it to be done, and assess, levy and collect the expense thereof from such owner or occupants, in the same manner as herein provided for the collection of the highway tax.

5. The said commissioners shall have power to grade and level the highways, streets and alleys of said respective districts, and to establish and alter the grades thereof, and to cause such highways, street and alleys to be worked, in conformity to such grades as the commissioners shall prescribe and establish; but no highway, street or alley, after having been worked according to such level and grade, shall be altered or regraded, unless two-thirds of the persons owning property on the line of said highway, street or alley, shall consent, in writing, thereto; and the persons so consenting shall pay to those who shall remonstrate, in writing, to the commissioners against such regrading, the costs and expenses which they may be put to by reason of such regrading.

To grade streets.

6. The said commissioners shall have power to make and construct sidewalks and crosswalks on any public road in said respective districts, or any part of any such road, and to keep the same in proper repair. Such sidewalks and crosswalks shall be made with flagging or planks, to the width of not less than four feet; and said commissioners, in their respective districts, shall decide in what manner and of what material said sidewalks and crosswalks shall be made, and give public notice of such decision by publication for three weeks successively in one or more of the newspapers published in said county, and by posting the said notice in ten public places in their respective districts; and all the owners on the lines of said streets, when such sidewalks and crosswalks are to be made, shall, within four months after such publication, build and erect sidewalks at their own expense upon their respective fronts, under the direction of the respective superintendents; and if such owner or owners shall fail within such time to build and erect such sidewalks, then the said commissioners shall cause the same

To make and construct sidewalks.

Notice to be given.

to be built and erected, and assess, levy and collect the cost and expense thereof from said owner or owners, in the same manner as herein provided for the levy, assessment and collection of the highway tax.

Assessment
rolls.

§ 8. The assessment rolls of said districts shall contain, near the right hand margin, three several and distinct columns, severally denominated and headed "highway tax," "collector's fees," "total tax and fees," in which shall be set down the sum total of said tax and fees. The real estate shall be briefly but properly described; and non-resident lands, if any there be, shall be assessed in the same manner as the lands of residents; the amount of highway tax levied upon each person named in the roll shall be set down in the proper column; and in all cases where any highway tax is charged upon any real estate, it shall be set opposite the particular real estate upon which it is charged. The assessment rolls, when completed, and the highway taxes are therein entered, shall be filed with the town clerks of the towns in which said districts are situated, and shall then be denominated the tax rolls of said districts; duplicates thereof shall be made with the proper warrants, under the hands of the said commissioners, annexed thereto, directed to the collectors, and shall be the authority of the collectors to collect said highway taxes.

Tax rolls,
when com-
pleted.

§ 9. The said tax rolls, when completed and filed with the town clerks of the said towns, shall be a lien on the real estate therein described to the amount of the highway tax as aforesaid, and the highway tax levied as aforesaid, shall be collected by collectors to be appointed by the commissioners of the respective districts, or they may employ the town collectors subject to the provisions of this act, by virtue of such warrants as aforesaid, together with their fees, which shall be one per cent, if paid within twenty days after public notice given by the collectors respectively, of the receipt of such rolls and the times and places where the same may be paid to them, and upon all sums paid or collected after that time, five per cent; and in case any person shall refuse to pay his or her highway tax and the fees aforesaid, the said collectors shall levy the same by distress* and sale of the goods and chattels of the delinquents in the manner as collectors of town and county taxes are authorized to do,

* So in original.

and such warrant shall command, require and authorize such collection of such taxes and such enforcement thereof; and all moneys collected by the collector shall after deducting his compensation therefor, be paid into the treasury of the county of Richmond, subject to the orders of the commissioners of the respective districts.

§ 10. The said commissioners in their respective districts may appoint a collector with all the powers and duties of a town collector, or they may employ the town collector of the town in which said district is situated, for the purpose of collecting the said tax, and all laws now in force relating to the collection of town and county taxes shall apply to said collector.

Collector to
be appointed.

§ 11. The said collector in each of said districts shall, before he enters upon the duties of his office, and within five days after the tax rolls shall be filed with the town clerks, execute to the said commissioners and file with the said clerk a bond, with two or more sureties, to be freeholders of the county of Richmond, and to be approved by the commissioners in such penalty as they shall direct, and conditioned for the faithful discharge of his duties as such collector, and for the honest and faithful accounting for and paying over all moneys which shall come into his hands as such collector.

Bond of
collector.

§ 12. The said tax shall be levied and collected between the first day of April and the first day of November following, in each year.

Tax, when
to be levied.

§ 13. The said commissioners in each of said districts shall, immediately after the levying of any highway tax herein provided for, file with the county treasurer of the county of Richmond a statement of the amount of the same, and of the time allowed to the collector for the collection and payment thereof to the said treasurer; and it shall be the duty of the said collectors to collect and pay over to the said treasurer all of the said tax, within the time prescribed by the said commissioners; and in default thereof, it shall be the duty of the said treasurer in the same manner as he is by law authorized to do against the collector of county and town taxes, and all laws relating thereto shall apply to the collector of the said highway tax; and the said treasurer shall annually account to the board of supervisors for all moneys received by him under this act, in the same manner and

Statement
to be filed
with county
treasurer.

with like effect as he is now required by law to do in relation to town and county taxes.

Surveyor.

§ 14. The said commissioners shall, whenever they deem it necessary to enable them to carry out the provisions of this act, have power to employ a surveyor, and the costs and expenses of the same shall be paid out of the highway tax.

Dead animals to be removed.

§ 15. The said commissioners are hereby authorized, and it shall be their duty at all times, under a penalty of ten dollars, to cause all dead animals to be removed from any highway, street or alley within their respective districts, within three hours after having received notice of the same, and the costs and expenses thereof shall be paid out of the highway tax; and for every neglect of this section the commissioners or commissioner so notified shall forfeit the sum of ten dollars, to be sued for and recovered before any justice of the peace, in the name of the supervisor of the town, by any taxpayer of the said district; which penalty to be collected shall be paid by the justice to the county treasurer, for the benefit of the highways in said district.

Grading to be let out by contract.

§ 16. Every highway, street and alley in said districts, which the said commissioners thereof shall deem necessary to have leveled, graded or worked, shall be let out by contract to the lowest bidder, and it shall be the duty of the commissioners to prepare, or cause to be prepared, a specification of the leveling, grading or working necessary to be done on any highway, street or alley in their respective districts, and publish the same, together with the amount of security required, in one or both of the papers published in said county; also, cause printed public notice of the same to be posted in at least ten public places in their respective districts; the said notice shall also specify the time and place where the said commissioners will meet for the purpose of receiving proposals for land leveling, grading or working, and of determining to whom the contract or contracts shall be awarded; but no proposals shall be considered by the commissioners unless the name of the sureties shall be therein mentioned.

Commissioners to require certain things of contractor.

§ 17. The commissioners shall require from the contractor a strict compliance with all the conditions and requirements of his contract, and shall in no case make any payment to a contractor who has not fully complied

with the terms of his contract ; and for every violation of this section, the said commissioners shall be deemed guilty of a misdemeanor ; and all contracts made by the commissioners with any person or persons, shall, at the request of any taxpayer, be open for his inspection and examination.

§ 18. The said commissioners shall receive each the sum of one dollar and fifty cents per day, for every day actually and necessarily devoted by them to the service of said respective districts under the provisions of this act, to be paid out of the highway tax ; and the said superintendents shall be allowed for the services performed by them under this act, such compensation as the commissioners may fix, but such compensation shall in no case exceed that herein allowed to the commissioners, and shall be paid in like manner.

Pay of
officers.

§ 19. The said commissioners shall annually, on the Tuesday preceding the annual meeting to be held in such towns, account to the board of auditors of town accounts for the amount of highway tax levied by them respectively, and of the manner in which the same has been disbursed ; and the said boards shall meet for the purpose of examining the same annually, on the day herein specified, at ten o'clock in the forenoon, at the town clerk's office in said respective towns.

Commissioners to
account to
board of
auditors,
&c.

§ 20. The said boards shall respectively examine and audit the accounts of said commissioners, and the accounts so audited shall be delivered, with the certificate of the audit, to the town clerk, to be by him kept on file for the inspection of any of the inhabitants or taxpayers of the said districts.

Auditing
claims.

§ 21. The said commissioners shall present to the said boards of auditors at the said meeting, for the purpose of being examined and audited, their accounts and charges for services rendered said district as such commissioners, which account shall be made out and sworn to in the same manner as the accounts of town officers are now by law required to be ; and it shall be the duty of the auditors to examine the said accounts and charges, and, if the same shall be found to be correct, they shall issue an order on the county treasurer, in favor of the commissioners, requiring him to pay the accounts so audited, to the said commissioners, out of the highway tax in his hands ; but

Accounts to
be present-
ed.

such accounts shall not be audited unless made out and sworn to as herein provided.

Books to be
procured.

§ 22. The said commissioners shall, at the expense of the districts, procure suitable books, in which they shall enter and record all their proceedings as such commissioners, which books shall be open for the inspection of all taxpayers of said district.

Maps, &c.,
filed.

§ 23. All maps and papers relating to the highways in said districts shall be filed by the commissioners in the office of the town clerks of the town in which such districts are situated.

§ 24. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed, so far as they relate to said district.

§ 25. This act shall take effect immediately.

Chap. 335.

AN ACT for the more effectual draining of certain swamp and low land in the towns of Pine Plains and Stanford, in the county of Dutchess.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners.

SECTION 1. Phineas K. Sackett, Ezra B. Hoag, Joel S. Winans, Leander Smith, John A. Thompson and Josephus D. Jordan, are hereby appointed commissioners to clear out, deepen and widen the big ditch or stream of water running from or in Stissing pond, in the town of Pine Plains, county of Dutchess, to or before the mill dam and mill site in the town of Stanford, county aforesaid, formerly owned by Edward P. Thompson, and to continue a ditch and channel so far into said Stissing pond as may be deemed necessary by said commissioners, and also to continue the same from said mill dam to the south line of said premises, and to lower the channel of said big ditch or stream of water in such manner and to such an extent as will effectually cause the draining of the swamps and low land bordering on said big ditch and in the vicinity thereof; the object and intention

thereof being to improve and drain the land adjoining and in the vicinity thereof. And they are hereby authorized to purchase the said mill dam and site, or so much and such parts thereof as they may deem proper, and hold the same for the use and benefit of the persons owning lands adjoining and in the vicinity of said big ditch, who will be benefited by the draining thereof; and they shall have the power to employ such agents or servants, and to make contracts for, or in other ways to cause such work to be done, and to purchase such materials therefor as may be necessary to accomplish the purposes of this act. And said commissioners are to have the right and privilege of removing the dirt and rubbish from said stream on to the lands adjoining, and also to cut new channels to straighten and improve said stream, in any portion thereof they deem proper; and in case any damage is claimed to have been sustained by any person through whose land such ditch shall be made or repaired, over and above the benefit derived by him, the commissioners appointed by the court as in section three of this act provided, shall examine and determine the same, giving to the party claiming such damages and the said commissioners, in this section appointed, or their successors in office, notice of the time and place they will meet to make such examination; they shall make their award in writing, and if any damages are awarded by them, the said commissioners last above referred to shall pay the same within thirty days after being notified thereof.

Powers and
duties of.

SECTION 2. All persons owning lands adjoining or in the vicinity of said big ditch or stream of water, and which will be benefited in consequence of the deepening, widening and clearing out said big ditch or stream of water, in the opinion and by the decision of the commissioners appointed by the court as hereafter in this act provided, shall pay their proportionate share of such expenses in procuring said site and doing said work, and of the damages so awarded by said commissioners; and in order to enable all persons adjoining and in the vicinity thereof, and who may be taxed to pay therefor, to be benefited equally thereby, it shall be the duty of said commissioners, in section one of this act appointed, or their successors in office, after a portion of said work

Persons
owning
lands, &c.

shall have been done, to proceed and finish said work to the termination thereof, at or in said Stissing pond, and after the same manner as the first part of said work shall have been done; and in case any disagreement and disputes shall arise as to the manner such subsequent work is or shall have been done, the same shall be determined by the commissioners appointed by the court as hereafter in this act provided, and the same shall be completed as they shall adjudge would be equitable and right to all parties concerned; and any one of said commissioners, in section one appointed, or their successors in office, to be designated by said commissioners appointed by the court, may proceed and finish said work in the manner directed by said commissioners, so appointed by the court, to be paid for as hereafter provided.

Supreme
court to
appoint
appraisers,
&c.

SECTION 3. On the application of the commissioners appointed in section one of this act, or their successors in office, the supreme court at any special term thereof, held in the district in which said lands are situate, or the county court of Dutchess county, upon a written notice of six days being *being given of said application to all persons interested in said appointment, by personal service of said notice or leaving a copy thereof at the dwelling-house or residence of such person, of the time and place of making such application, may appoint three commissioners, who are not interested in the lands to be drained by said ditch nor of kin to any or either of the parties, whose duty it shall be to settle and determine what proportion each person so benefited shall pay. And in order to enable the said commissioners, in section one appointed, or their successors in office, to commence, proceed with and finish the said work, the said commissioners so appointed by the court, previous to the commencement thereof, and as said work progresses, and at such times as they may deem proper, may make an assessment upon the persons in their opinion to be benefited by said work, of such sum of money as they deem necessary to enable the said commissioners, in section one appointed, or their successors in office, to pay for said mill site and proceed with said work; and when the said work shall be completed, the said com-

* So in original.

missioners, so appointed by the court, shall then make an assessment upon said persons; and in making such assessment the said commissioners, so appointed by the court, shall review all previous assessments by them made, and if any person shall have paid more than his proportionate share, either by assessment or otherwise, the said commissioners, so appointed by the court, shall allow him therefor, and such assessment shall equalize the sum to be paid by each person; and on the making of such final assessment two weeks' previous notice thereof shall be given of the time and place the said commissioners, so appointed by the court, will meet to make the same, by putting up written notices thereof in three public places in the vicinity where the persons interested reside. The said commissioners, so appointed by the court, shall be allowed two dollars a day each for their services, to be put in and included in such assessment.

SECTION 4. In case any person so assessed as aforesaid shall neglect or refuse to pay the sum, so as aforesaid made payable by him, to the said commissioners, in section one appointed, or their successors in office, within ten days after the time of such assessment, and written or verbal notice given to him of the same, it shall and may be lawful for said commissioners, in section one appointed, or their successors in office, to issue a warrant for the collection thereof to the collector appointed by the said commissioners, in section one appointed, or their successors in office; and which said warrant shall authorize the said collector, in case the person so assessed shall refuse or neglect to pay the same on demand to said collector, to levy the same by distress and sale of the goods and chattels of such person; and in case no goods or chattels shall be found of such person, whereon to levy, then he shall proceed to sell the lands of such person adjacent and in the vicinity so benefited by said work, or such portion thereof as shall be sufficient to satisfy the same, with the costs and expenses of said collector; and in case any goods and chattels are sold by said collector, he shall give the same notice as constables are required to give on the sale of personal property on execution, the sale to be made in the town where such property may be found or such person resides; and in case land shall be sold to satisfy the said

Neglect or
refusal to
pay.

assessment, the same notice shall be given as sheriffs are required to give on the sale of real property by execution. An affidavit of such sale, made by the collector, shall be made and filed in the county clerk's office within ten days from the said sale. The person so assessed may pay the same to the said collector at any time before the sale, with the costs and expenses to such time; and any person may redeem any land so sold, by paying the amount due on such assessment, with costs and expenses and interest thereon, at ten per cent, to the county treasurer or commissioners in section one appointed, or their successors in office, at any time within one year from the time of such sale.

SECTION 5. In case the said property so sold shall realize on such sale more than the assessment, and the costs and expenses thereof, the surplus shall be returned to the person upon whom such assessment was made and whose property was so sold.

Fees of collector.

SECTION 6. The collector shall be appointed by the said commissioners, in section one appointed, or their successors in office, by a written appointment filed in the town clerk's office of the town of Pine Plains, and shall receive for his services the same fees as are allowed to constables on the sale of property on execution, together with his necessary disbursements, and he shall hold his office until another collector is appointed by said commissioners in his place.

Term of office of commissioners.

SECTION 7. The commissioners, in section one appointed, shall hold their respective offices for the term of one year from the time of their appointment, and until others are elected in their places. In case of a vacancy in the number of said commissioners last referred to, the same shall be supplied at the next annual election, and the survivor or survivors shall be authorized to act until said election. The commissioners hereby appointed in section one of this act shall hold their respective offices until the first Monday of January next.

Election of commissioners.

SECTION 8. An election of commissioners, referred to in the preceding section, shall be held on the first Monday of January in each and every year. The first election shall be held at the house of Henry C. Myers, in the town of Pine Plains, and the subsequent elections at such times and places as shall be designated by the

electors at their last meeting. Every person owning lands to be benefited by said work, shall be entitled to one vote. In case the person so offering to vote shall be challenged, he shall swear that he does own such lands.

SECTION 9. Any person who shall put any obstruction in said ditch or stream of water, shall forfeit the sum of twenty-five dollars for each offense, to be recovered by the said commissioners, in section one appointed, or their successors in office, in any court having cognizance of the same, with costs of suit; and it shall be the duty of said commissioners last above referred to, to prosecute any person who shall so obstruct the same; and the said commissioners are hereby authorized and required to remove any such obstruction as soon as the same shall be brought to their knowledge.

Obstructions, &c.

SECTION 10. After the said work shall have been completed, and whenever the same shall need any additional work to keep the same in repair, the said commissioners, in section one appointed, or their successors in office, shall be authorized to expend such sums of money as shall be necessary to repair and clear out the same, and which shall be assessed upon the persons to be benefited thereby, in the same manner as is heretofore provided, and collected in the same manner.

Repairs.

SECTION 11. The act entitled "An act making provision for draining a certain tract of swamp land and bog meadow, in the towns of Stanford and Northeast, in the county of Dutchess," passed February twenty-eighth, eighteen hundred and four, is hereby repealed.

Chap. 336.

AN ACT to incorporate the Elmira Water Company.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Elijah P. Brooks, William T. Post, William Beach, John T. Rathbon, Gabriel L. Smith, Arca-lons Wyckoff, Eli Wheeler, and all such persons as are

Body corporate.

or may hereafter be associated with them, are constituted a body corporate by the name of the Elmira Water Company.

Capital
stock.

§ 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, and the said company are hereby empowered to increase their capital stock at any time, not to exceed one hundred thousand dollars.

Books of
subscription.

§ 3. Books of subscription for the capital stock of said corporation shall be opened under the direction of the directors hereinafter named, subject to such rules and regulations as they shall prescribe, and the stock shall be considered personal property and shall be assignable and transferable on the books of the company.

Directors.

§ 4. The business of said corporation shall be managed by seven directors, who shall be stockholders, and who shall hold their offices for one year or until others are chosen in their places. The directors shall be chosen annually, on the first Monday in May, at such time of day and place, in the village of Elmira, as the directors may appoint. The first election shall be held on the first Wednesday of May, eighteen hundred and sixty. Two weeks' notice of such election shall be given, by publication, at least once in each week, in one newspaper published in Elmira, previous to such election. Each stockholder shall be entitled to one vote upon each share of stock held by him or her, for at least twenty days previous to such election. Voting shall be by ballot and may be in person or by proxy.

Election,
notice of.

President.

§ 5. The directors shall annually appoint a president and such other officers as they shall deem necessary, who shall hold their offices until others are appointed in their places; and they may make and ordain such by-laws and regulations as they may deem necessary and proper for the management of their business and for the accomplishing the purposes of the corporation, not inconsistent with the provisions of this act and laws of this state.

Payment of
subscription.

§ 6. The directors may require payment of subscription to the stock at such times and in such proportions as they may see fit, under the penalty of forfeiting all stock and previous payments thereon, and they may sue for and recover all such subscriptions. Notice of the

time and place of said payments shall be published for three weeks previous to said time, at least once in each week, in one newspaper in said village.

§ 7. The persons named in the first section shall be the first directors and shall hold their offices until the first Wednesday of May, eighteen hundred and sixty, and until others are chosen in their places; and in case of vacancy in the direction by reason of the death or resignation of any director, or of his ceasing to be a stockholder, it may be filled by the remaining directors, until the next annual election or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors at the first election, after which the stockholders shall choose three such inspectors at the annual election. If no inspectors are chosen the directors may appoint three, from time to time. The directors may have power to remove all officers appointed by them and appoint others in their places, and fill all vacancies in the offices. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved, but an election may be held on another day, in such manner as shall be prescribed by the directors or provided for by the by-laws.

Directors
hold office,
how long.

Inspectors
of election.

§ 8. For the purpose of supplying the village of Elmira with pure water the said company may purchase, take and hold any real estate, and by their directors, agents, or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purpose, and may take the water from any ponds, springs, rivers, streams or lakes, and divert and convey the same to the said village, and may lay, construct and repair pipes, conduits, aqueducts, reservoirs, or other works and machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or held, and may as aforesaid, enter upon any lands, streets, highways, roads, lanes, or public squares through which they may deem it proper to convey the water so taken, and lay, construct, repair and replace any pipes, conduits or other works for that purpose, leaving the said lands, streets, highways, roads,

May hold
real and
personal
estate.

lanes and public squares in the same condition, as nearly as may be, as they were before said entry.

Map and
survey to be
made.

§ 9. Before entering, taking or using any land for the purpose of this act, the directors of this company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of such owner or occupant intended to be taken or used shall be designated, and which map shall be signed by the engineer making the same and by the president of said company, and be filed in the office of the clerk of Chemung county. The company, by any of its officers, agents or servants, may enter upon any lands for the purpose of making any examination and of making said survey and map, doing no unnecessary damage.

Commis-
sioners may
be appoint-
ed by
county
judge.

§ 10. In case the company cannot agree with the owners and occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, the directors may apply to the judge of the county of Chemung for the appointment of three commissioners by whom the compensation to be paid for damages suffered or to be suffered by any person or persons, by reason of taking said lands and water and constructing any of the works of said company, shall be ascertained and determined; and in case of death, resignation, refusal or disability to act, of any of said commissioners, the judge may appoint others in their places. The commissioners shall cause a notice of at least twenty days, of the time and place of meeting, to be served upon such of the owners of said land and water as reside in this state, which may be served personally, or in their absence from their dwellings or places of business, by leaving the same thereat with some person of suitable age, and in case of any legal disability of such owner to act thereupon, serving notice in like manner upon his or her guardian or person appointed to act for him or her, as hereinafter directed. And in case any of said owners do not reside in this state, such notice shall be given them by publishing the same for four weeks successively in one newspaper published in said village. And if any of said owners shall be married women, insane, infants or idiots, the judge shall appoint some suitable person to attend in their behalf before said

Notice, &c.

commissioners, and take care of their interest in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they may administer the usual oaths to such witnesses. They shall make a written report of all their proceedings within ten days after the hearing before them, showing the sum awarded to each owner or any other person, and return the same to the said judge to be filed on record in Chemung county clerk's office. The company shall pay to each commissioner the sum of two dollars per day for each day necessarily spent by him in the performance of his duties under this act, and to each witness sworn and testifying, who the commissioners shall certify were properly subpoenaed, the same fees as allowed in a court of record.

Report of
commis-
sioners.

§ 11. The said company, or any party to the proceedings, may appeal from any award or determination, provided the party appealing shall, within ten days after such award or determination shall be made, and notice thereof be served on him or them of the appeal; the said judge shall, upon the report of the commissioners, and upon the additional testimony to be taken by them, if he deems the same to be necessary, proceed to hear said appeals, and may confine* the proceedings of the commissioners, in whole or part, or may increase or diminish the amount of compensation awarded by the said commissioners; and if their proceedings in any case have been irregular, the judge may set the same aside and order new proceedings and appraisal, and the said judge may make such orders in reference to the proceedings of the commissioners and of the notices to be given to parties as may not be inconsistent with this act, and as the nature of the case and the interest of the parties may require.

Appeals.

§ 12. Upon the payment or legal tender of the compensation awarded by the said commissioners or (in case of an appeal) by the said judge, the company shall be entitled to enter upon, for the purposes contemplated by this act all the lands, waters and real estate for which said compensation shall be paid or tendered as aforesaid, and to hold and use the same for the said purposes to them and their successors forever. If any person to whom any compensation shall be awarded, or who shall

After pay-
ment, or
legal ten-
der, com-
pany may
enter upon
lands.

* So in original.

be entitled to the same by virtue of said award, does not reside in this state, or shall refuse to receive the sum awarded him, then the said payment may be made by depositing the same to the credit of said person in such bank as may be designated by said judge. If the person to whom compensation is awarded, or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to his guardian or person appointed as aforesaid by said judge, and if said guardian or person appointed cannot be found by them, by depositing in bank as aforesaid.

May enter upon and occupy such property.

§ 13. The said company shall also take and hold, for the purposes contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon and take by virtue hereof, to them and their successors forever.

Laying pipes.

§ 14. In laying pipes, conduits or aqueducts, or constructing or erecting works in the streets, lands or public squares of the village of Elmira, the company shall conform to such reasonable regulations as the board of trustees shall prescribe in said village.

Rules and regulations.

§ 15. The said directors of said company may establish rules and regulations for and concerning the conduct of all such persons as shall use the water from their works, so far as respects the preservation and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not, in any case, exceed ten dollars, which penalties may be recovered with costs, in the name of the company, before any justice of the peace of the town of Elmira, or police justice of said village. Said rules and regulations shall be published, for two weeks successively, in one newspaper published in said village, and a copy of said rules and regulations, certified by the president of the company, with affidavits of the publication of the same made by any one of the publishers of said paper, shall be received as evidence in all courts and places.

Water for extinguishing fires.

§ 16. The said company shall furnish water to the village of Elmira for the purpose of extinguishing fires, upon such terms as may be agreed upon between them and the president and trustees of said village. And the said company may make any agreements, contracts,

grants and leases for the sale, use and distribution of water, that may be agreed upon between said company and any person or persons, associations and corporations, which agreements, contracts, grants and leases shall be valid and effectual in law.

§ 17. Any person who shall willfully or maliciously destroy or injure any of the works or property of said company shall be deemed guilty of a misdemeanor, and may be punished by fine or imprisonment, or both, in the discretion of the court, and shall also forfeit and pay to the company treble the damages sustained thereby, to be recovered in any court having cognizance thereof, with costs.

Penalty for destroying property of said company.

§ 18. The corporation hereby created shall possess the powers and be subject to the provisions of title three, chapter eighteen, of the first part of the Revised Statutes, so far as the same are applicable and not otherwise provided for in this act.

Powers of corporation

§ 19. The stockholders of the company hereby created shall be individually liable for the payment of the debts of the said company to an amount equal to the amount of stock held by them respectively, until the whole amount of capital stock so fixed and prescribed as above shall have been paid in, and any stockholder who may have paid any demands against said company, either voluntarily or by compulsion, shall have a right to resort to the other stockholders who were liable to contribution.

Stockholders to be liable, &c.

§ 20. No person holding stock in said company, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally liable as stockholders of said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as stockholders accordingly; and the estate and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner, and to the same extent as the testator or intestate, or the ward or person interested in such fund would have been if he had been living and competent to act and hold the stock in his own name.

No person holding stocks as executor, &c.

§ 21. If the directors shall at any time after the organization of said company, determine to increase the capital stock, as herein provided, the books of subscription for

Increase of capital stock.

said additional stock shall be opened in the same manner as provided in section three of this act, and the said directors may require payment of the subscription to the said additional stock in the same manner as provided in section six of this act.

Corporation may borrow money.

§ 22. The said corporation may borrow such sum or sums of money as may be necessary to complete said work and for other purposes authorized by this act, in the whole not to exceed the amount of capital stock actually paid in and expended, and for that purpose may issue and dispose of their bonds for any amount so borrowed, and the company is hereby authorized to mortgage any or all of their corporate property and privileges to secure the payment of such bonds; and the said directors may confer on the holder of any bond they may issue for any money so borrowed, the right to convert the principal due thereon into stock of the said corporation, at any time, not exceeding five years from the date of said bond, under such regulations as the directors may see fit to adopt; and for such purpose the said corporation are authorized to increase its capital stock to the amount so borrowed, whenever the persons or any of them, to whom such money is due, shall elect to convert the same into stock; but nothing herein contained shall be construed to authorize an increase of capital stock of said company beyond the sum of one hundred thousand dollars.

§ 23. This act shall take effect immediately.

Chap. 337.

AN ACT vesting in the United States of America jurisdiction over a certain piece of land in the village of West Troy, in the county of Albany.

Passed April 14, 1859, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certain lands ceded to United States.

SECTION 1. The jurisdiction of the state of New York is hereby ceded to the United States of America for the purposes of erecting and maintaining thereon arsenals,

magazines and other necessary buildings, and also of using the grounds hereinafter described, in connection with the arsenal buildings already erected, over all that certain tract, piece or parcel of land, situate, lying and being in the village of West Troy, town of Watervliet, and county of Albany, bounded as follows, to wit: Commencing at a point on the east bank of the Erie canal at the southwest corner of the United States arsenal grounds, and extending thence easterly along the said arsenal grounds to River street; thence southerly along the west line of said River street thirty feet; thence westerly on a line parallel with the said north line, to the west side of the alley next west of said River street; thence southerly along the west side of said alley to a point distant from the said north boundary line two hundred and ninety-three feet and six inches; thence westerly on a line parallel with the said north boundary line, about two hundred and fifty-eight feet to the east bank of the Erie canal; thence northerly along the said east bank of said canal three hundred feet, to the place of beginning.

§ 2. The jurisdiction so ceded to the United States over the said tract of land mentioned in the preceding section is granted upon the express condition that the state of New York shall retain a concurrent jurisdiction with the United States in and over the said tract of land, so far as that civil process in all cases, and such criminal process as may issue under the authority of the state of New York, against any person or persons charged with crimes committed within or without the said tract of land, may be executed thereon in the same way and manner as if this jurisdiction had not been ceded; and this act is to take effect when the purchase by the United States of said tract of land is completed, and the evidences recorded in the office of the clerk of the county of Albany, and not before; and they are to retain such jurisdiction so long as the said tract of land shall be used for the purposes expressed in the foregoing section, and no longer.

Condition
of cession.

Chap. 338.

AN ACT to amend an act entitled "An act revising, amending and consolidating the several acts in relation to the village of Kingston," passed April tenth, eighteen hundred and fifty-four.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act
amended.

SECTION 1. Subdivision thirteen, of section eighteen, of the act entitled "An act revising, amending and consolidating the several acts in relation to the village of Kingston," is hereby amended so as to read as follows :

13. To regulate license or prohibit auction sales in said village, and to restrain hawking and peddling in the streets, to prevent or regulate the ringing or tolling of bells, the blowing of horns, the firing of guns, gunpowder, or explosive compound, the making of any improper noise tending to disturb the quiet and peace of said village, and the sale or exposure of fire-crackers, rockets, squibs, or explosive compounds.

§ 2. This act shall take effect immediately.

Chap. 339.

AN ACT in relation to Courts of Special Sessions, Courts of Sessions, and Police Courts.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act repeal-
ed.

SECTION 1. All of the act entitled "An act defining the powers and duties of courts of special sessions, except in the city and county of New York and the city of Albany, and courts of sessions, and regulating appeals in criminal cases," passed April seventeenth, eighteen hundred and fifty-seven, with the exception of the first two sections thereof, is hereby repealed; that is to say, the last twenty-three sections thereof are repealed.

§ 2. A writ of certiorari to remove into the court of sessions of the county a conviction had before any court of special sessions or police court, may be allowed on the application of the party convicted, by any justice of the supreme court, or by any officer authorized to perform the duties of such justice in vacation. Writ of certiorari.

§ 3. The courts of sessions of the several counties are vested with the same powers within their respective counties, in relation to such certiorari to courts of special sessions and police courts, and the proceedings thereon, and all matters growing out thereof, or subsequent thereto, or connected therewith, as are possessed by the supreme court, under article fourth, of title three, of chapter two, of the fourth part of the Revised Statutes. All the provisions of said article fourth, except as herein otherwise provided, are made applicable to such certiorari hereby authorized, and to the allowance thereof, and to the proceedings thereon, and to all matters growing out thereof, or subsequent thereto, or connected therewith, including recognizances, judgment and sentence ; but the writ, affidavit and return, in cases under this act, shall be filed in the office of the county clerk, and the notice required by said article fourth to be served on the attorney-general, shall in such cases be served on the district attorney of the county. Powers of courts of sessions.

§ 4. The courts of sessions of the several counties in this state shall have power to grant new trials upon the merits, or for irregularity, or on the ground of newly discovered evidence, in all cases tried before them.

Chap. 340.

AN ACT to release the interest of the people of this state in certain real estate acquired by escheat, on the death of James Ferguson, late of the city of New York.

Passed April 14, 1859 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title, interest and estate of the people of this state, acquired by escheat upon the

Interest of state released.

death of James Ferguson, late of the city of New York, in or to lands in the county of Suffolk, is hereby released to James Ferguson, the father of said James Ferguson, deceased, residing in Scotland, who shall take, have and hold the same interest in the said lands that he would be entitled to were he a citizen of the United States, and may sell and convey his share or interest in the same manner and with like effect as if he were a citizen of the United States.

§ 2. The preceding release to the said James Ferguson is upon the express condition that he shall sell and convey his interest in the said land to a person or persons authorized to hold lands in this state, within five years from the time when this act shall take effect.

§ 3. Nothing in this act contained shall affect the rights of any creditor of James Ferguson, deceased.

Chap. 341.

AN ACT to release the interest of the state in certain lands of which Henry Smith died seised, to Thomas Smith.

Passed April 14, 1859; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state
released.

SECTION 1. All the right, title, interest and estate of the people of this state in and to any real estate, lands or premises situate in the town of Thompson, county of Sullivan, and state aforesaid, of which the said Henry Smith, the brother of the said Thomas Smith, died seised, acquired by the escheat of the same, on the death of the said Henry Smith, is hereby released to and vested in the said Thomas Smith, his heirs and assigns, forever.

Not to
affect right
of creditor.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any creditor, by mortgage, judgment, or otherwise, or of any heir or heirs at law, or otherwise, or of any person claiming title under or through the said Henry Smith.

§ 3. This act shall take effect immediately.

Chap. 342.

AN ACT to incorporate the Queens County Savings Bank.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

- § 1. Henry Clement, Joseph H. King, Abraham Bloodgood, John D. Locke, Conrad Poppenhusen, Edward Mann, Alfred C. Smith, William Cock, Luther C. Carter, William T. Hemmenway, Robert B. Parsons, David S. Williams, Spencer H. Smith, Robert Lowden, James A. Hamilton, Robert Bell, William H. Peck, James B. Parsons, William H. Roe, Edward A. Lawrence, John R. Bowne, John E. Keeler, Frederick W. Lawrence, William H. Stiles, Walter Bowne, Gilbert C. Halld, John H. Brower, George W. Peck, John Cryder, Peter R. Mumford, Edward E. Mitchell, John W. Lawrence, Rufus Leavitt, Cornell Peck, Walter Jaggar, James Lowerre, William Chisholm, Henry A. Bogert, William H. Wilkins, Frederick Koenig and their successors, hereby constituted and created a body corporate and politic, by the name of "The Queens County Savings Bank," and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever. Body corporate.
- § 2. The office for the transaction of the business of said corporation shall be located in the village ofushing and county of Queens. Office.
- § 3. The corporate powers of the said corporation shall be vested in and exercised by a board of forty trustees, of whom shall be citizens of this state and residents of the county of Queens. The said board of trustees shall elect from their own body a president, two vice-presidents, and such other officers as they may see fit. One of the said trustees, of whom the president or one of the vice-presidents shall be one, shall constitute a forum for the transaction of business at any meeting of board. Corporate powers.
- § 4. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies in the board of trustees occasioned by death, First trustees.

resignation, or otherwise, shall be filled by the board at their first meeting after such vacancies shall occur; such election shall be by ballot, and the person having a majority of the votes cast by the whole number present and voting, shall be considered as duly elected, and not otherwise.

Meetings.

§ 5. The said trustees shall hold a meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary.

Shall receive no payment for services.

§ 6. The trustees of said corporation shall not, directly or indirectly, receive any payment or emolument for their services; nor shall any trustee, officer or agent of said corporation, directly or indirectly, borrow the funds of said corporation, or in any manner use the same, except to pay necessary current expenses, under the direction of the board of trustees.

By-laws.

§ 7. The said board of trustees shall have power, from time to time, to make, establish, alter and amend such rules and by-laws as they shall judge proper for regulating and prescribing the election of their officers, their respective functions, and the mode of discharging the same, the times of meeting of the trustees and officers, and generally for the transaction of all the business of said corporation: provided such rules and by-laws be not inconsistent with the provisions of this act and the laws of this state. The supreme court may at any time, for due cause to remove any trustee on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

General business.

§ 8. The general business and object of the said corporation shall be to receive on deposit all such sums of money (not exceeding in all the sum of three thousand dollars from any individual firm or association), as may from time to time be offered; and to invest the same, as soon as practicable, in the manner hereinafter mentioned, for the use, interest, and advantage of the said depositors and their legal representatives; and to repay the same to the said depositors when so required, at such times, and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe. Such regulations shall be put up in some public and conspicuous place in the room where the business of said corpora-

shall be transacted, but shall not be altered so as to affect any deposit made previous to such alteration. All certificates or other evidences of deposit, made by the proper officer of said corporation, shall be as binding on the corporation as if they were made under their common

9. Whenever any deposit shall be made by any minor personally, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due him or her, although no guardian may have been appointed for such minor, or the guardian of such minor may not have authorized the drawing thereof; and the check, receipt, or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or as if the said minor was of full age.

Deposit by
minor.

10. It shall be the duty of the board of trustees to regulate the rate of interest to be allowed to the depositors so that they shall receive, as nearly as may be, a reasonable proportion of all the profits of the said corporation, after deducting all necessary expenses, and so that the rate of interest allowed on deposits of five hundred dollars or upwards, shall be at least one per cent per annum less than the interest allowed on other deposits.

Rate of
interest.

11. The said corporation may purchase, hold, and convey:

1. Such real and personal estate as may be requisite for its immediate accommodation in the convenient transaction of its business.

May hold
and convey,
&c.

2. Such real estate which shall have been mortgaged to the corporation as security for loans, and which shall be purchased by the said corporation at sales, in pursuance of judgments of foreclosure directing the sale of the mortgaged premises.

And all real estate so purchased shall be sold by the said corporation within five years after the same shall be acquired in it. The said corporation shall not purchase, hold, or convey any real estate, or, directly or indirectly, be engaged in buying or selling any goods, wares, or merchandise, except in the cases in which it is authorized to do so by the terms of this act.

12. It shall be lawful for the said corporation to loan any money which they shall receive on deposit, and the proceeds thereof, on the pledge or purchase of any public stock created by virtue of any law of the United

Loans.

States or of this state, or in the public debt or stock of any incorporated city in this state, which shall have been authorized by the legislature of this state to issue such stock: provided that the cash value of such stocks or securities shall, at the time of making such investments, be at least ten per cent greater than the amount loaned thereon. And should the said stock or securities so depreciate in value that the amount loaned thereon shall exceed ninety per cent of its cash value, it shall be the duty of the board of trustees either to require the immediate payment of any loan made thereon, or such additional security therefor that the amount loaned thereon shall at all times be at least ten per cent less than the cash value of such stocks or securities.

Loan money
received on
deposit.

§ 13. The said corporation may likewise loan the money which they shall receive on deposit, and the accumulations thereof, on bonds secured by mortgages of unincumbered productive real estate, situated within the counties of Queens and Kings, and worth at least double the amount secured thereby; but no such loan to a greater amount than five thousand dollars shall be made to any one individual, firm or association.

Temporary
deposit.

§ 14. It shall be lawful for the said corporation to make temporary deposits in any bank or banking association in this state, and to receive interest thereon at such rate, not exceeding that allowed by law, as may be agreed upon; but no contract or agreement in relation to such deposits, shall be for a longer period than one year. The temporary deposits which said corporation is hereby authorized to make, shall not exceed in amount twenty per cent of all the deposits belonging to said corporation. Nor shall the deposits of said corporation in any bank of issue, exceed, in the aggregate at one time, the sum of fifty thousand dollars.

No money
to be invest-
ed.

Subject to
certain pro-
visions of
law.

§ 15. No money deposited with said corporation shall be invested, except in the manner authorized by this act.

§ 16. The trustees and officers of this corporation shall be subject to the provisions and penalties of chapter one hundred and thirty-six of the Laws of eighteen hundred and fifty-seven.

Revised
Statutes
apply to.

§ 17. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, as far as the same are ap-

plicable; and this act may be repealed, altered, or amended at any time hereafter.

§ 18. This act shall take effect immediately.

Chap. 343.

AN ACT releasing to Elizabeth Farrelly and James Farrelly the interest of the state in certain lands acquired by escheat.

Passed April 14, 1859; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the people of this state, acquired by escheat in the lands of which Nicholas Farrelly died seised, situated in the counties of Orange and Sullivan, is hereby released to Elizabeth Farrelly and James Farrelly, as follows: To the said Elizabeth Farrelly the undivided two-thirds thereof, and to the said James Farrelly the undivided one-third thereof.

Interest of
state re-
leased.

§ 2. Nothing in this act shall affect the right of any creditor or purchaser of said Nicholas Farrelly, or of any mortgage given by him, or of any person claiming title thereto as legal heir or devisee.

§ 3. This act shall take effect immediately.

Chap. 344.

AN ACT in relation to the village of Whitehall.

Passed April 14, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter seventy-six of the Laws of eighteen hundred and fifty, entitled "An act to revise and consolidate the laws in relation to the village of Whitehall," is hereby amended by adding thereto at the end of said section, as follows:

And the trustees elected and qualified as is prescribed

in said act of eighteen hundred and fifty, before entering upon the duties of said office, shall meet at the office of the clerk of said village, or at such place as shall be designated by him, and draw or cause to be drawn, by said clerk, for the terms of the office of said trustees, two of whom shall be for two years, and three for one year, and at all subsequent elections only so many as are necessary to fill the vacancies occasioned by the expiration of terms of those going out of office; and the terms of the trustees shall, thereafter, be two years. The drawing for terms shall be made by such as are elected in eighteen hundred and fifty-nine, and as soon as this act takes effect.

Special year

§ 2. The official year shall hereafter commence and terminate on the first Monday of April; and to that end the officers elected in eighteen hundred and fifty-nine shall continue to hold such office and discharge the duties thereof until the first Monday in April, eighteen hundred and sixty, except the assessors, whose duties are prescribed in section fifteen of said chapter.

§ 3. Section twenty-two of said chapter is hereby amended by adding at the end of said section, as follows:

Trustees
may issue
scrip.

And the trustees shall have power to issue scrip whenever it shall appear that the moneys collected by tax and rents for the use of the water shall be insufficient to pay the scrip issued for the payment of said water works and their construction, as it falls due from time to time, subject to all the requirements of said section, to which this is an amendment.

Chap. 345.

AN ACT to incorporate the New York Astronomical Observatory.

Passed April 14, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Body
corporate.

SECTION 1. Luther Bradish, the mayor of the city of New York, ex-officio, Charles King, Isaac Ferris, Horace Webster, Elias Loomis, Lewis M. Rutherford, O. M. Mitchell, Charles Davies, Chas. W. Hackley, Gorham W.

Abbott, William H. Aspinwall, Nathan Bishop, Edmund Blunt, James Carson Brevoort, Peter Cooper, Alexander J. Cotheal, Benjamin H. Field, Fletcher Harper, Richard M. Hoe, John Jay, John D. Jones, Robert Lenox Kennedy, Charles M. Leupp, William S. Mayo, Samuel L. Mitchell, Elisha E. Morgan, Willard Parker, Alfred Pell, Henry E. Pierrepont, S. Irenæus Prime, Charles H. Russell, Theodore Sedgwick, Lorillard Spencer, Robert L. Stuart, Thomas Tileston, John Torrey, John David Wolfe, Enoch L. Fancher, Henry M. Alexander, and such others as they may associate with themselves, are hereby constituted a body corporate and politic forever, by the name of "The New York Astronomical Observatory," for the purpose of establishing and maintaining, in the said city, an astronomical observatory; and by that name, they and their successors and associates shall be capable of taking by purchase, grant, devise or otherwise, holding, conveying or otherwise disposing of any real or personal estate for the purposes of the said corporation; but which estate, independent of the library, instruments and scientific collections of the said corporation shall not, at any time, exceed the annual income of twenty-five thousand dollars.

§ 2. The persons named in the first section of this act shall be provisional trustees of the said corporation. As such they shall be authorized to receive subscriptions or donations to the observatory fund; and to hold, manage, and apply the same to the purposes of the said corporation. The said observatory fund shall be divided into shares of twenty-five dollars each, transferable only on the books of the said corporation, to be kept for that purpose; and for which shares certificates shall be issued to the parties entitled thereto. The said shares shall, in all cases, be fully paid up; and being so paid up, the holders thereof, the subscribers or contributors to the said fund, or the members of the said corporation, shall not be held as personally liable for any dues of the said corporation beyond the share or shares so held by him or her, and already fully paid up, as herein above provided.

Provisional
trustees to
receive sub-
scriptions.

§ 3. So soon as the said observatory fund shall, by original subscription, accumulation, or otherwise, amount to a sum, in the judgment of the said provisional trustees, sufficient to justify the commencement of the erec-

Trustees to
be elected,
&c.

tion of the necessary buildings, and the purchase of the proper instruments, for the purposes of the said observatory, the said provisional trustees shall call a general meeting of the subscribers and contributors to the said observatory fund, or holders of a share or shares therein, giving five days' notice of the time and place of holding the said meeting, to be published in two daily newspapers of the city of New York, at which meeting an election of twenty-five trustees of the said corporation shall take place, under the direction and supervision of three inspectors of election, to be appointed by the said provisional trustees. At the said election each subscriber or contributor to the said observatory fund, or holder of a share or shares therein, shall be entitled to one vote for each and every share of twenty-five dollars he or she may hold; which votes may be given either in person or by proxy. A plurality of the votes thus given shall, in all cases, constitute a choice, of which the certificate of the inspectors of election shall be conclusive evidence. The persons thus elected shall thereafter be the trustees of the said corporation, to whom shall be immediately transferred its entire estate, property and concerns; and the office, powers, and functions of the said provisional trustees shall thenceforth cease and determine.

Trustees to
be divided
into classes.

§ 4. The said trustees, elected as provided for in the third section of this act, shall, immediately after their election, meet together, and, by lot, divide themselves into five classes of five members each. Those of the first class shall hold their offices respectively for one year; those of the second class for two years; those of the third class for three years; those of the fourth class for four years; and those of the fifth class for five years; and in the several classes until others shall be elected in their places. At the expiration of the term of office of the first class, and annually thereafter, an election of five trustees to supply the places of those whose term of office then expires shall take place, on like notice, under like direction and supervision of three inspectors of election to be appointed by the trustees then in office, in like manner, with like effect, and to be certified as in the election provided for in the third section of this act. To this end the books of shares in the observatory fund shall be closed ten days previous to any of the several

elections provided for in this and the third section of this act, and a list of the shareholders, as they may stand on the said books at that time, shall be made out and delivered to the inspectors of election, and shall be conclusive, and the only evidence of the right of the shareholders to vote at the said elections. The trustees elected at the several elections provided for in this section shall hold their offices respectively for five years, and until others are elected in their places.

§ 5. The trustees elected, as provided for in the third and fourth sections of this act, shall have power to fill all vacancies occurring in their own board, between the several elections herein above provided for ; and the person thus chosen to fill a vacancy shall hold his office for the remaining term of office of the class into which he is so chosen. The said trustees elected, as provided for in the third and fourth sections of this act, shall have the entire possession, charge and management of the estate, property and concerns of the said corporation ; and, to this end, shall have power to make all such by-laws, not contrary to law, as may be proper ; and to appoint all such officers, professors and servants as they may deem necessary, for the purposes of the said corporation, and the same to remove and appoint others.

Power of trustees, &c.

§ 6. At all meetings of the said trustees, duly called, seven members present shall constitute a quorum for the transaction of ordinary business ; but no officer, professor or servant shall be appointed or removed, nor shall any estate be purchased or conveyed, without the presence of a majority of all the trustees of the said corporation.

Quorum.

§ 7. The board of commissioners of the Central park in the city of New York, are hereby authorized and empowered to allow the said corporation hereby created to establish within the said park the astronomical observatory contemplated by this act ; and, to that end, the said board of commissioners may allot, set apart and appropriate suitable and proper grounds within the said park, in the position and of the dimensions to be determined by the said board of commissioners, for the erection and accommodation of the said observatory, and the said corporation shall have free access to and egress from the said grounds thus allotted, set apart and appropriated for the purpose of erecting thereon the necessary and

Central park commissioners, power of.

proper observatory buildings, in their dimensions and external architecture to be approved by the said board of commissioners, and of maintaining therein an astronomical observatory; and so long as the said corporation shall continue so to maintain therein such observatory, the said corporation shall have and enjoy the free and uninterrupted use and occupation of the said grounds, so allotted, set apart and appropriated to that object, but for no other purpose whatever, without any rent, assessment or charge for the same; subject always, however, to such reasonable and proper rules and regulations, as the said board of commissioners, in their arrangement and due administration of the said park, may from time to time prescribe. But, if at any time hereafter, and for any cause, the said corporation shall cease so to maintain the said astronomical observatory upon the said grounds thus allotted, set apart and appropriated for that purpose, and shall discontinue the same, and so advise the said commissioners by notice in writing to that effect, the rights and privileges in the said park, hereby authorized to be granted to the said corporation, for the purpose herein above declared, shall thenceforth cease and determine; and the said grounds so authorized to be allotted, set apart and appropriated to the use and occupation of the said corporation, for the purpose herein specified, may be appropriated to any other use consistent with the general objects and purposes of the said park; but in such case, the said corporation shall have the right, and shall be permitted to remove from the said grounds all its property. The evidence of the allotment, setting apart and appropriation by the said board of commissioners of the Central park, to the said corporation, of suitable and* and proper grounds within the said park, for the establishment and maintaining thereon an astronomical observatory, as authorized and provided for herein above, shall be a resolution, to that effect, passed by the said board of commissioners, at a meeting thereof duly called, a copy of which, signed and acknowledged by the president and secretary of the said board, to be recorded in the office of the register of the city and county of New York.

§ 8. The said corporation shall possess the general powers, rights and privileges, and be subject to the liabilities and provisions contained in the eighteenth chapter

Trustees,
rights and
privileges
of.

* So in original.

of the first part of the Revised Statutes, so far as the same are applicable, and have not been repealed or modified by this act.

§ 9. This act shall take effect immediately.

Chap. 346.

AN ACT concerning the salt springs and the manufacture of salt.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

ARTICLE 1.

GENERAL PROVISIONS.

SECTION 1. There shall be collected and paid upon all salt manufactured in this state, a duty of one cent per bushel of fifty-six pounds, which duties shall be paid into the general fund. Duty to be paid.

§ 2. The salt springs belonging to this state, including all salt water existing on the Onondaga salt springs reservation, shall not be sold or otherwise disposed of. The lands contiguous thereto, which are necessary and convenient to the use of the salt springs and the public works thereon, are to be and remain forever the property of the state; but such lands as have been reserved or used for the purpose of the manufacture of salt, may be sold by authority of law, under the direction of the commissioners of the land office, with a view to the exchange of the same for other lands more conveniently located or in larger quantity, in which the proceeds of the lands so sold shall be invested; but by such sale and repurchase, the aggregate quantity of lands appropriated to the manufacture of salt shall not be diminished. Salt springs shall not be sold.

ARTICLE 2.

OF THE OFFICERS INTRUSTED WITH THE SUPERINTENDENCE OF THE SALT SPRINGS.

SECTION 3. The care and superintendence of the salt springs and of the manufacture and inspection of salt upon Officers.

the salt springs reservation, in the county of Onondaga, shall continue to be vested in the "superintendent of the Onondaga salt springs," according to the provisions of this act. The said superintendent shall hold his office for three years; but the governor or chief executive officer of the state for the time being may remove the superintendent from office, for cause shown, and after a fair hearing, and appoint another person in his place to hold the office for the same time and by the same tenure as the officer removed would have held if he had not been removed.

Bonds to be
executed,
&c.

§ 4. Every person hereafter appointed to the office of superintendent of the Onondaga salt springs shall, within thirty days after he shall receive notice of his appointment, and before he shall enter upon the performance of the duties of his office, execute a bond in the sum of thirty thousand dollars to the people of this state, with not less than five sufficient sureties, to be approved by the comptroller and filed in his office, whose approbation shall be indorsed on said bond, conditioned that such person shall faithfully perform the duties of the said office, as the same are or may hereafter be prescribed by law.

Manufacturing
districts.

§ 5. There shall be four manufacturing districts upon the Onondaga salt springs reservation, as follows: District number one, or Syracuse; district number two, or Salina; district number three, or Liverpool; and district number four, or Geddes; and the public offices for the transaction of the business connected with the manufacture of salt, shall be located as follows, to wit: For district number one, in the third ward of the city of Syracuse; district number two, in the first ward of said city; for district number three, at the village of Liverpool; and for district number four, at the village of Geddes.

Appoint-
ments by
superinten-
dent.

§ 6. The superintendent may appoint the following deputies and assistants, to wit:

One chief engineer.

One receiver to reside in each district, one of whom shall also be chief clerk.

One inspector of salt to reside in each district, one of whom shall also be designated chief inspector.

One overseer of pumps to reside in each district.

One supervisor of aqueducts and reservoirs to reside in each district.

One chief inspector of barrels, and one assistant barrel inspector, to reside in each of districts number one, three and four, and two assistant barrel inspectors to reside in district number two ; and such assistant inspectors, weighers and overseers as he shall deem it necessary to employ, with the assent and approval of the comptroller.

§ 7. There shall be allowed and paid to the several officers to be employed under this act, the following rates of compensation, namely :

Compensation.

To the superintendent, the sum of fifteen hundred dollars per annum, to be deducted monthly from any moneys in his hands, drawn from the treasury pursuant to law.

To the chief engineer, nine hundred dollars per annum.

To the chief inspector, and to the receiver in district number one, each eight hundred and forty dollars per annum.

To the receiver in district number two, and the inspectors other than the chief inspector, each six hundred dollars per annum.

Ida.

To the receivers in districts number three and four, each five hundred dollars per annum.

To the chief barrel inspector and to the overseer of the pumps, in district number one, each six hundred dollars per annum.

To the assistant inspectors, weighers, overseers of the pumps, and supervisors of the aqueducts and reservoirs, the sum of forty dollars per month for such time as they may be actually employed.

§ 8. The said superintendent shall have power to require of the several officers named in the preceding section, and appointed by him, the performance of such duties and services in behalf of the state as he may consider appropriate and necessary, and may remove them from office at his pleasure, and for their acts, in virtue of their offices, he shall be responsible. Every appointment made by him shall be in writing, and shall be filed in the office of the clerk of Onondaga county. Every person so appointed by him shall, before entering upon

Power of superintendent, &c.

the duties of his office, take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the clerk of Onondaga county; and shall also give such bond, with sufficient sureties, to the superintendent, for the faithful performance of his duties, and for the faithful and punctual payment to the superintendent, of all moneys which he shall from time to time receive as such officer, and as often, or at such stated periods as may be required of him.

ARTICLE 3.

OF THE GENERAL DUTIES, POWERS AND LIABILITIES OF THE OFFICERS CONNECTED WITH THE SALT SPRINGS.

Officers' duties and powers.

SECTION 9. The superintendent of the Onondaga salt springs shall have power, from time to time, to ordain and establish such rules and regulations, not inconsistent with law, as he may deem expedient, respecting:

1. The manufacture and inspection of salt, and the collection of the duties thereon.

2. The manner and order of receiving the salt water from the state reservoirs and aqueducts, the mode of conducting such to the respective manufactories and erections, and the securing of such water from waste and loss.

3. The examination of the several salt works and manufactories by his deputies, to determine whether the provisions of the law are properly complied with.

4. The loading of salt in bulk, or otherwise, into boats, to be transported upon the canals, or the shipment of salt by railway or otherwise, to be conveyed to market.

5. And in all other respects that shall tend to the more perfect execution of the provisions of this act.

Wells, pumps, &c.

SECTION 10. He shall, from time to time, provide such additional wells, pumps, reservoirs, aqueducts and machinery as he shall determine to be needful and proper for supplying the manufactories of salt with brine, in the largest quantity and of the best quality, and shall keep the same, and all other works and property belonging to the state, under his charge, in complete repair; and he shall have power to employ competent workmen to make such improvements, erections, repairs and additions.

But no repairs, or alterations involving an aggregate expenditure of more than two thousand dollars shall be made or undertaken, without the approval of the comptroller to be indorsed upon detailed estimates; and no new structures which, upon previous estimates, shall involve an expense of five thousand dollars or more, shall be undertaken, without having also obtained the approval, in writing, of the governor and comptroller.

SECTION 11. It shall be lawful for the said superintendent to prescribe specific penalties for the violation of the rules and regulations established by him, to the amount of from ten to one hundred dollars for each offense, and to recover the same, with costs, in a court of justice; and he may, at his discretion, withhold the usual supply of brine for the use of the manufactories, until such penalty is paid.

Penalties,
&c., to be
prescribed
by super-
intendent.

SECTION 12. The several penalties prescribed by law, together with the rules and regulations, shall be printed on a fair sheet, and posted up in the several offices of the superintendent, in all the fine salt manufactories and storehouses for coarse salt, and mills for grinding salt, and in such other places as shall be deemed expedient for the information of the public; and the rules and regulations of the superintendent shall be binding after one week from the time they are so ordained and published, and until they are revoked or others are established in their stead.

Rules to be
printed, &c

SECTION 13. The superintendent shall, at the expiration of each fiscal year ending on the thirtieth day of September, or within ten days thereafter, make a report to the comptroller stating the quantity of salt inspected during the previous fiscal year, the amount of revenues accruing thereon, and from other sources, the expenditures made by the superintendent, and the amount which in his judgment will be necessary for the support of the salt springs for the ensuing year. The superintendent shall also, within fifteen days from the first day of January in each year, make a report in detail to the legislature of his doings during the year just then expired, embracing such information in regard to the manufacture of salt and the situation of the public works, and submitting such recommendations for their further improve-

Report of
superinten-
dent.

ment and extension as he shall deem necessary and proper.

Office hours SECTION 14. The superintendent's offices, in the several districts, shall be kept open from sunrise to sunset every day, except Sunday and the fourth day of July; and all persons may resort, during office hours, to either of said offices and examine the books of entry kept by the superintendent.

List of officers. SECTION 15. A list of the names of all the persons holding office by the appointment of the superintendent, shall be kept conspicuously posted in each of the receiver's offices in the several districts, for the information of all persons interested in knowing who are in authority in the management of the salt springs.

Officers to prosecute, &c. SECTION 16. It shall be the duty of each of the officers connected with the salt springs, and acting by authority, to prosecute in the name of the superintendent for all penalties imposed or prescribed by statute,* or by the rules and regulations, if the commission of any offense, punishable by a penalty, shall come to his knowledge, either by his own examination or observation, or by information of any other person furnishing satisfactory proof of the offense alleged.

Superintendent's and deputies' duties. SECTION 17. It shall be the duty of the superintendent and of his deputies to prosecute all persons who shall knowingly commit a trespass upon any of the lands belonging to the state, or who shall willfully do any damage to any of the machinery, erections, fixtures, or other property of the state.

Officers not to be concerned in manufacturing, &c. SECTION 18. Neither of the officers connected with the salt springs shall be in any way concerned in the manufacturing or selling of salt, or have any interest whatever, directly or indirectly, in any salt manufactory or erection for the manufacture of salt, or in the profits of any such manufactory, or in any labor or materials, or contracts for doing any work on the salt reservations, or which may be done under the provisions of this act.

Neglect of duty. SECTION 19. The superintendent, and the several persons holding office by his appointment, shall be liable to indictment and punishment, as for a misdemeanor, for any willful neglect of duty, or for any malpractice in the discharge of their public duties.

Superintendent to be in SECTION 20. The superintendent shall be deemed to be

* So in original.

in possession of all the lands, wood, timber, trees, buildings, erections, pumps, and machinery of every kind, and of all water-courses, conduits, wells, aqueducts, springs, and all other property belonging to the people of this state connected with the salt works, on the salt springs reservation, in the county of Onondaga; and he shall have the charge, government and management of the same, under such provisions as shall be prescribed by law, and he shall superintend and have charge of the salt water, and shall regulate and control the delivery of the same to the manufacturers of salt.

possession
of certain
property.

SECTION 21. Whenever any person shall be in possession of said lands or property, or any part thereof, without proper authority or right, it shall be the duty of the superintendent to cause such person to be removed therefrom, and to take possession of the same.

Persons in
possession
of property
without
right.

SECTION 22. The superintendent may sue in his name of office for the recovery of damages for any injury to such lands or property, according to the nature of such injury; and any underletting, diversion or use for any other purpose than the manufacture of salt, of any of the lots that have been or may be leased by the superintendent, to any person or persons, for such manufacture, is strictly forbidden, and shall work a forfeiture of the leasehold estate; and it shall be the duty of the superintendent, in case of such forfeiture, to obtain possession of the lands so forfeited by action of ejectment.

Superinten-
dent may
sue, &c.

SECTION 23. The superintendent may lease to any person any of the lots or lands of this state reserved for the manufacture of salt, and not lawfully held or occupied for that purpose, but not for a longer period than three years.

May lease.

SECTION 24. The superintendent shall receive all moneys payable to the state for all duties, rents, fines or penalties specified in this act, or in any manner arising from the salt springs or the property of the state connected with the salt manufacture.

Superinten-
dent may
receive
moneys, &c.

SECTION 25. The superintendent shall keep in each of his offices regular books of entries, in which all his accounts and transactions shall be entered.

Books to
be kept.

SECTION 26. The superintendent shall deposit in each week, to the credit of the treasurer of this state, in such bank or banks as may be designated by the canal board,

Superinten-
dent shall
deposit
money, &c.

all the moneys received by him as such superintendent, and on Monday of each week he shall transmit to the comptroller a statement showing the amount of the revenues collected and received by him, and so deposited during the preceding week.

Statement
to be for-
warded to
comptroller

SECTION 27. On the first Monday in each month, the superintendent shall forward a statement to the comptroller, exhibiting the whole amount of revenue collected by him during the preceding month, and the amount in each week, together with a transcript of the receiver's books in each of the manufacturing districts.

Neglect to
make
monthly
returns.

SECTION 28. If at any time the superintendent shall neglect to make such monthly returns, or to make or transmit the certificate of such deposits to the comptroller, as herein directed, it shall be the duty of the comptroller to order the bond of the superintendent to be put in suit, for the recovery of any moneys which may be in his hands, belonging to the state; and such neglect or omission of duty shall be deemed cause for the removal of said superintendent, by the governor, or any person administering the duties of the governor for the time being.

Books of
entry.

SECTION 29. The superintendent is hereby authorized to provide suitable books of entry, blank books, blank inspection bills, returns and forms, and stationery for the use of himself and his deputies in the performance of their official duties.

Superinten-
dent to take
possession
of lands.

SECTION 30. The superintendent shall have power to take possession of and occupy the lands and tenements of any person or association, or any spring or well of salt water in possession of any person or association, by virtue of any lease or grant thereof, heretofore given or hereafter to be given, under any law of this state, that may be necessary for the erection or construction of any reservoir, aqueduct, pump, pump-house, or other buildings therewith connected, or for providing and furnishing the necessary supply of salt water as directed by this act, or for procuring convenient access thereto.

Proprietor
of any prop-
erty to be
paid for
land, &c.

SECTION 31. The proprietor of any property so taken shall be paid the reasonable value thereof, to be fixed by agreement between such proprietor and the superintendent. If no such agreement shall be made, such value shall be ascertained by the appraisement of three commissioners, to be appointed by a justice of the supreme

court, on the application of either party, with ten days' previous notice of the time and place of such application to the other party.

SECTION 32. The superintendent shall pay the amount of damages so agreed upon or awarded, and the expenses of the appraisers, if any be employed, and charge the same in his account. Damages.

SECTION 33. It shall be the duty of the superintendent to cause the quantity of water which may from time to time be required for the efficient working of the pumps, or other machinery, for raising salt water from the wells and reservoirs now constructed, or which may hereafter be constructed, in the first, second and fourth districts, to be ascertained by competent engineers, and to certify the same to the canal commissioner in charge; and it is hereby declared to be the duty of such canal commissioner in charge, on receiving such certificate, to cause the quantity of water, thus certified and required by the superintendent, to be at all times supplied to the Syracuse level of the canal, in addition to that usually required or supplied for the purposes of navigation, excepting, however, any period during which it shall be necessary to withdraw the water from said level for repairs. The certificate of the said superintendent shall be filed in the office of the said canal commissioner, and it shall be lawful for the superintendent, at all times, to draw from the canal the amount of water thus ascertained to be necessary, to be used for the purpose aforesaid, provided the navigation of the canal be not thereby impeded; and all bulkheads, gates and other appurtenances required for taking and regulating the flow of such water shall be constructed and maintained by said superintendent. Water,
quantity to
be ascer-
tained.

SECTION 34. It shall be the duty of the superintendent to keep on file, in each of the receiver's offices, a numerical list of the fine salt blocks in the several districts, with the name of the owner or occupant, in which list shall be designated the several manufactories which are entitled to the first use of the water; said list shall also state the date of any additional erections, entitled to the surplus water in the order of their erection. A similar list shall also be kept of the coarse salt erections, including the number of covers or rooms, in like manner en- Numerical
list of salt
blocks to be
kept.

titled to the first use of the water, and also of all subsequent erections entitled to supplies from the surplus.

Charges
against the
state.

SECTION 35. All charges against the state, or liabilities incurred for the support and maintenance of the Onondaga salt springs, shall be audited and paid by the superintendent, out of the moneys to be advanced to him, from time to time, by the treasurer, upon the warrant of the comptroller.

Estimate
to be made
out.

SECTION 36. It shall be the duty of the superintendent, before drawing any money from the treasury to be expended by him, to make out an estimate, in minute detail, of the necessary expenses to be incurred, for a period of two months, so far as they can be reasonably foreseen, commencing with the month of January, and to forward the same to the comptroller, who shall thereupon authorize the superintendent to make his draft upon the treasurer, for the amount of such estimate, or for such portion thereof as he shall think necessary and proper. And to meet any extraordinary expenditure, the superintendent may in like manner, make special estimates, which the comptroller shall advance in like manner, if the same be approved by him. But in no case shall the superintendent be authorized to receive from the treasury a larger sum than the amount of the appropriations made by the legislature for the support of the salt springs.

Abstract of
vouchers.

SECTION 37. At the expiration of each period of two months, as aforesaid, the superintendent shall make a full and perfect abstract of the vouchers in his possession, to which the following affidavit is to be attached, which may be sworn to before any person authorized to administer oaths, to wit: "I (A. B.), superintendent of the Onondaga salt springs, do solemnly swear, that I have deposited in the bank designated by the canal board, all the moneys received by me for duties on salt, rents, fines or penalties, or for other property of the state; and I do further swear, that the foregoing is a true abstract of all the vouchers taken by me as superintendent for the two months ending on the——day of——18—; and that the money specified in the receipts of which the above is an abstract, has been actually paid as specified in said receipts; and further, that all the receipts were filled up as they now appear, and were read, or the amount distinctly stated to the signer of each, according to my best know-

Oath.

ledge and belief." The report and vouchers shall be returned to the comptroller, and if satisfactory to him, he will enter his approval on the abstract, and shall audit and allow the accounts of the superintendent. The superintendent shall also make out a report, showing the expenditures for the preceding two months, corresponding in its detail of items to the estimate presented before an advance is authorized to be made by the comptroller; if any of said vouchers are objectionable, the comptroller will enter his dissent on the particular voucher, and not audit and allow the same until satisfied of its legality and propriety.

SECTION 38. The superintendent is authorized to lay and keep in repair the principal lines of aqueducts necessary for supplying the manufacturers of salt with water, and for the equal and proper distribution of the same; and for that purpose he may cross any public highway, and may lay such aqueducts along such highway, avoiding the traveled part thereof, and causing no unnecessary obstructions thereto; but it shall be his duty in all cases, in laying such aqueducts, to provide that no damage shall be done to any street or highway so crossed or occupied, nor shall the convenient or unobstructed use of such street or highway be impaired thereby; and the said superintendent may enter upon the lands of any individual or company, or upon any leased land, and may carry the salt water across the same, by suitable and proper aqueducts or conduits, paying to the owner of any such lands, or the lessee thereof, the damages which he may sustain thereby, to be ascertained by mutual agreement, or by the appraisement of three commissioners, to be appointed as provided in section thirty-one of this act; but no damages shall be paid to any person or association for such occupancy of their lands, when the same are occupied or used for the manufacture of salt, and are entitled to receive the salt water furnished by the state.

Lines of
aqueducts
to be kept
in repair.

SECTION 39. The superintendent shall annually, in the month of April, adopt rules and regulations for the ensuing year, in accordance with the provisions of this act, for the guidance and direction of the salt manufacturers, which shall be made public in the manner directed in the twelfth section, article three, of this act.

Rules and
regulations.

SECTION 40. The superintendent may lay out any va-

Vacant
lands.

cant lands belonging to the people of this state, within the salt manufacturing districts, not required for other purposes, and being suitable for the manufacture of salt, into lots of the ordinary size, for the erection of fine salt blocks, and lease the same to any person applying therefor, after he shall have erected a manufactory of salt thereon. But no person shall be authorized to enter upon state lands for the purpose of securing the same for the erection of such manufactory, without first obtaining the permission of the superintendent, in writing, nor until the same has been duly surveyed and mapped. The superintendent may likewise lease to any person any vacant or unoccupied lot or part of a lot, which he may consider necessary or proper to attach to any existing lot, to be used by such lessee as a part of his manufacturing premises; but no grounds in the immediate vicinity of any of the pump-houses or other public works, vacant or unoccupied at the time of the passage of this act, shall be hereafter laid out or occupied for manufacturing purposes, but the same shall be preserved for the use and convenience of the state.

Brine, distribution of.

SECTION 41. In the furnishing and distribution of brine, hereafter, to the fine and coarse salt erections, from the Onondaga salt springs or wells, no distinction shall be made between the works situated on state lands and those built on private lands, but each and all of the erections which were in existence on the fifteenth day of April, eighteen hundred and fifty-eight, shall be considered equally entitled to a supply of water from the said springs, of as near the same quality as may be; but in case there shall be an insufficiency of brine to supply all the said erections, then the superintendent shall classify the same in such a manner as to furnish a full supply of water to each of said erections, an equal portion of the time that there shall be a deficiency in the supply. And the superintendent shall, during the months of July and August, classify favorably to the erections for the manufacture of solar salt, but such classification shall not give the said erections a supply for more than an equal portion of the time, as above mentioned; and in case the said springs shall produce a greater supply of water than will be needed for fully supplying the present erections during the entire manufacturing season, such surplus may

be furnished to any erections on leased or private lands, in the first, second and fourth districts, that have been erected since the fifteenth day of April, eighteen hundred and fifty-eight, or that may be hereafter erected in said districts, to be furnished to them in the order of their erection, the superintendent keeping a record of such erections in his office, for the purpose of determining their priority, and giving a certificate thereof to the manufacturer or owner of any such blocks or works, if required. The setting apart by the commissioners of the land office of lands for coarse salt works, and the commencement of erections thereon, previous to the fifteenth day of April, eighteen hundred and fifty-seven, shall be deemed an erection, within the provisions of this section, and shall entitle all erections made at any time on the said lands by the person or company making such first erections, or their assigns and successors, to the supply of brine in this section provided for. The bona fide commencement of erections for the manufacture of coarse salt on private lands, and the actual covering of at least one acre thereof, or the actual expenditure in the purchase of materials or other expenditures in and about such lands for the like purpose, sufficient to cover one acre, previous to the first day of January, eighteen hundred and fifty-eight, shall be deemed an erection within the provisions of this act, upon such lands, to the extent of twenty acres thereof, provided such lands are covered within three years from the time of such commencement. But the superintendent shall not be required to furnish water for the erections on private lands unless a description of such lands shall be filed in the office of the superintendent, and the location thereof be approved by him.

SECTION 42. Any individual or company having erected, or who may erect coarse salt works, on their own lands or lands belonging to the people of this state, in the vicinity of the "North Side Cut" canal, in the first ward of the city of Syracuse, but which lands are not bounded by said "side cut" on either side, may have the right to take any of the lands belonging to the people of this state, not otherwise occupied, on the east side of said canal, equal in size to one fine salt lot, for building their salt store-houses for storing and packing coarse salt. And on giving to the superintendent of the salt springs notice

Salt works
to be erect-
ed.

thereof, in writing, that they have located such lot for said purpose, said superintendent shall give to such individual or company requiring the site for such store-house, a lease thereof for the use aforesaid; and the superintendent shall lay out into suitable size for fine salt blocks, all other lands belonging to the said people, lying on the east side of said "side cut," and lease the same to be used for fine salt manufactories, in the manner provided by law.

Lands on
west side of
north side
cut.

SECTION 43. The lands bordering on the west side of said "north side cut," as extended under the act of the fourth of April, eighteen hundred and fifty-six, for two hundred feet in depth, which have been set apart for the use of coarse salt works, are hereby set apart for the use of the fine salt works by the lessees of said lands, or their assigns, except so much thereof as may be necessary for the purpose of building store-houses for the said coarse salt works, by the lessees of said lands; but in case the said lessees, or their assigns, shall not use said lands so set apart for fine salt works, within three years after the completion of the "north side cut" canal extension, as provided in the act above mentioned, then the superintendent may lease the same in the same manner as other fine salt lots are leased by him.

Superinten-
dent to lease
certain lots.

SECTION 44. It shall be the duty of the superintendent to lease for the term of thirty years, from and after the twentieth day of June, eighteen hundred and fifty-nine, to the present lessees, their assigns or legal representatives, the several lots called salt manufacturing lots, or parts of lots, on the Onondaga salt springs reservation, the fee of which is now owned by the state, and which have been and may hereafter be occupied for the purpose of manufacturing fine salt, subject to the same regulations and restrictions as now are or may hereafter be imposed by law; but no lease given under this act shall be constructed or operate in such manner as to affect the validity of any mortgage or other security held by any person upon the property or estate thus leased. No improvements on the salt manufacturing lots, except the salt manufactories and their necessary appendages, shall be paid for by the state, if any lease hereby authorized shall not be renewed at the expiration of thirty years, or if before the expiration of said term, the state shall provide by law for vacating such lease; the provisions of this

section as to leasing salt lots shall not apply to the salt lots on blocks number twenty-one and twenty-four, lying between Willow street and Bridge street, on the Oswego canal, in the fourth ward of the city of Syracuse.

SECTION 45. All leases of lots to be given hereafter for the manufacture of fine salt, shall be signed, sealed and acknowledged by said superintendent and lessee, before any officer authorized to take the acknowledgment of deeds, and said leases shall be recorded in the office of the clerk of Onondaga county, in a book to be provided by him for that purpose, in the same manner as deeds or conveyances of real estate are now recorded; and all legal provisions or enactments regulating the execution, acknowledgment and recording of deeds shall apply to such lease; and the record, or a certified copy thereof, shall be evidence in all courts and places, and the recording of leases in the superintendent's office is hereby discontinued. All erections for the manufacture of salt shall be deemed real and not personal estate, and all deeds, mortgages, and conveyances thereof, hereafter made, shall be recorded accordingly in the county clerk's office; but this provision shall not affect any lien or mortgage now existing, or any right of the people of this state in lands covered by such erections.

Leases.

SECTION 46. Whenever the construction of any earthwork shall be undertaken by the superintendent of the Onondaga salt springs, that shall require the services of an engineer, said superintendent may make application to the canal commissioner in charge of the Oswego and Erie canal on said reservation, for the services of such engineer; and if, in the said commissioner's judgment, the interests of the state will be promoted by the employment of such engineer, said commissioner may direct the resident engineer, on either the Oswego or Erie canal, by an order, in writing, to assume the charge of such work, under the direction of the superintendent, and to make surveys, maps, profiles, estimates and measurements thereof, in the same manner as if such work was a part of the public improvements of this state.

Earthwork,
&c.

SECTION 47. The superintendent shall not furnish brine to any erection for the manufacture of fine salt, or for the manufacture of coarse salt, other than such as is authorized by the forty-first section of this act, which may be here-

Brine,
when not to
be furnish-
ed.

after erected, either upon vacant lands or by doubling the blocks on lots now used and occupied for manufacturing purposes, until the quantity of brine raised and distributed by the state shall be sufficient for fully supplying all the existing works through the manufacturing season, without classifying the same for any part of the time.

Duty of inspectors.

SECTION 48. It shall be the duty of the inspectors, in their respective districts, to examine, daily, all kettles used in the manufacture of fine salt, and if any such shall be damaged or defective in any respect, so as to be unsuitable for the manufacture of good salt, to require their removal; and unless such condemned kettles shall be removed upon his order, the superintendent shall have power to withhold the brine from such manufactory until such order shall be complied with.

Leases of certain lots.

SECTION 49. At any time after the expiration of the existing leases for fine salt manufacturing lots, lying and being on blocks number twenty-one and twenty-four, between Willow street and Bridge street, on the Oswego canal, in the fourth ward of the city of Syracuse, to wit: after the twenty* day of June, eighteen hundred and fifty-nine, the commissioners of the land office (if in their judgment the public interest and the interests of the city of Syracuse shall thereby be promoted) are authorized and required to sell and dispose of the same, in the manner hereinafter provided.

Duties of commissioners of land office.

SECTION 50. The commissioners of the land office, before they proceed to dispose of the lands described in the foregoing section, shall cause a map to be made of the same, subdividing the said blocks (twenty-one and twenty-four) into lots, corresponding to those severally occupied and used for the manufacture of salt, the possession of which is held by the occupants thereof, under leases made and executed by the superintendent of the Onondaga salt springs; after which, the said commissioners of the land office shall appoint three discreet persons, whose duty it shall be to appraise the value of said several lots, separately from the erections thereon, and mark the prices at which they shall value them respectively, on the map so provided. They shall also appraise separately the value of all erections which are located on said lots, and belonging to the occupants or lessees

* So in original.

thereof, and likewise mark the appraised value thereof on the said map, upon the respective lots designated upon the same. After which the said appraisers shall return the said map, accompanied with a written report of their appraisement, verified by their oaths, to the office of the state engineer and surveyor at Albany; whereupon the state engineer and surveyor shall cause a written notice to be served upon each of the respective occupants of said lots, of the completion of such appraisal and the amount thereof.

SECTION 51. The state engineer and surveyor shall, after giving legal notice of the same, dispose of the said lots at auction, to the highest bidder, but not at a less price than the appraised value of the same; but the purchaser, before he shall be entitled to the possession of the lot which he shall have so purchased, shall also pay to the person or parties entitled thereto, or to the state treasurer for the benefit of the parties so entitled, the appraised value of their erections, as determined by the appraisal hereinbefore provided for. And after the expiration of one year from the sale of said lots, or any of them, no brine shall be furnished from the state wells or reservoirs for the manufacture of salt on the lot or lots so disposed of.

State engineer and surveyor.

SECTION 52. The sale of the lots provided for in the foregoing sections of this act shall not be made by the commissioners of the land office or the state engineer and surveyor, unless it shall be apparent to them, after the appraisals provided for are completed, that the moneys which will be derived from such sale by the state, will be more than sufficient to purchase an equal quantity of other lands, alike convenient for the manufacture of salt, and the moneys received by the state from such sale, or so much thereof as may be necessary to purchase an equal quantity of land, shall be invested by the commissioners of the land office in other lands for the manufacture of salt, in accordance with the provisions of the constitution of this state.

Sale of lots.

SECTION 53. The superintendent of the Onondaga salt springs is authorized and required, after the expiration of the existing leases, to lease to the present lessees, their assigns or legal representatives, the several salt lots lying between Willow street and Bridge streets, aforesaid, for a

Leases, certain to be made.

term of from three to five years, at his discretion, and in like manner, from time to time, at the expiration of the same, until the sale herein provided for shall be had, subject to the same regulations as now are or may hereafter be prescribed by law; but such leases shall not affect the validity of any mortgage or other security held by any person upon the lot thus leased, or the erections thereon. And after the sale of the aforesaid salt lots, if any purchaser of the same shall remove any salt manufactory thereon, to some other convenient locality for the manufacture of salt, the superintendent of the Onondaga salt springs shall furnish brine to the same, in the same manner that he would be required to do if the manufactories had remained on the lots on which they are now located, and the existing leases of the same had been continued or renewed.

Sale of certain lots.

SECTION 54. The sale herein authorized, of the salt manufacturing lots aforesaid, lying between Willow and Bridge streets, or any of them, shall only be made so as to take effect, and possession thereof be given to the purchaser, at the expiration of the term for which the same may have been leased, at any time hereafter; unless the lessee of any of the lots aforesaid shall waive his rights under this section, and by his consent in writing, filed with the commissioner of the land office, shall authorize them to proceed to such sale immediately.

Lands, when not actually occupied.

SECTION 55. Whenever any of the lands granted by the commissioners of the land office for the manufacture of coarse salt shall not be actually occupied for that purpose by the commencement of erections thereon, within two years from the date of such grant, the superintendent may lease the same from year to year, and until the same shall be wanted for actual occupancy, to any person who will pay the largest rent therefor.

Leases, limitations of.

SECTION 56. The leases which may be given by the superintendent to the owners of fine salt works which may be hereafter erected, shall contain the same limitations and restrictions as are embraced in the leases given under the forty-fourth section of this act, but such leases shall only convey to the lessees respectively a right to the use of the surplus water, in the order of the erection of their works, as hereinbefore provided.

Powers of

SECTION 57. The superintendent may enter upon and

take possession of any well for supplying brine belonging to any individual or association, and appropriate the same for the use of the state, paying the reasonable value therefor as the same may be agreed upon between the parties, but not to exceed its original cost, or in case of the inability of the parties to agree upon such value, then such sum not to exceed the cost aforesaid, which may be awarded by the commissioners to be appointed for that purpose as provided by section thirty-one of this act.

superintendent.

SECTION 58. Any person or association engaged in the manufacture of salt, who shall provide an earth reservoir for the storage of salt water, shall be permitted to have the same filled by the superintendent, at any time when there may be a surplus not required for immediate distribution, and shall be allowed to use the same in their works in addition to the ordinary supply to which they may be entitled under the forty-third section of this act.

Right of persons engaged in manufacture of salt.

SECTION 59. The superintendent may establish, and from time to time alter the boundaries of the inspection districts, so as to allow of the inspection of salt at the offices most convenient to the officers in charge and to the owners of the salt works.

Boundaries of inspection districts.

ARTICLE 4.

REGULATIONS AND PENALTIES CONCERNING THE USE OF THE SALT WATER AND THE MANUFACTURE OF SALT.

SECTION 60. No individual or association shall occupy any lands with their erections for manufacturing purposes, which, in the opinion of the superintendent, shall interfere with the free and convenient use by the state of the grounds adjacent to the pump-houses, reservoirs and other public works, or which shall obstruct access to the same, or the lines of aqueducts for the distribution of brine.

Individual associations not to interfere with state property.

SECTION 61. It shall not be lawful for the superintendent to deliver, or suffer to be delivered, any brine to the fine salt manufacturers, during the months of December, January, February or March.

Brine not to be delivered at certain times.

SECTION 62. If any person shall willfully burn or destroy any salt manufactory, or the buildings appurtenant thereto, or any part thereof, or shall willfully burn or destroy any of the buildings, reservoirs, pumps, conductors, or water conduits, belonging to the state, used and

Penalty for destruction of property.

occupied in the raising of salt water for the use of the manufacturers of salt, or shall willfully injure the same, with the intention to prevent or retard the pumping, raising or distributing of salt water, for the use of the manufacturers, every such person shall be adjudged guilty of felony, and on conviction thereof, shall be sentenced to imprisonment in the state prison, for a term not exceeding five years.

No ingredi-
ent to be
put in the
water, &c.

SECTION 63. No manufacturer of salt or other person shall be allowed to put any article or ingredient into the salt water, either when in his cisterns or whilst evaporating, other than such as shall, from time to time, be allowed and approved of by the superintendent in the general rules and regulations which he shall adopt in relation thereto; and every person offending against any such rule or regulation shall, for every such offense, forfeit the sum of fifty dollars.

Bittern pan.

SECTION 64. Each manufacturer shall keep one good bittern pan, for each kettle or pan which he shall employ in the manufacturing of salt, for the purpose of removing the feculent matter and other foreign substances held in solution in the brine during the process of making salt.

Using pans.

SECTION 65. It shall be the duty of the superintendent in the general rules and regulations which he shall adopt, to regulate the manner of using such pans, and of removing the impurities contained in the salt water, during the process of manufacturing the same into salt, and the manner of cleansing the kettles and pans.

Refusal to
comply
with rules.

SECTION 66. If any manufacturer of salt, salt boiler, salt packer, or other persons employed in or having charge of a salt block or salt manufactory, shall refuse to comply with the provisions of law or any of the rules and regulations adopted by the superintendent, published in accordance with the provisions of this act, on such refusal or non-compliance, it shall be the duty of the superintendent to stop all communication between the salt block or salt manufactory, and the state reservoir, so that no salt water shall come to such block or manufactory where such offense shall be committed, and it shall remain stopped until the provisions of this act are complied with.

Examina-
tions by
superintend-

SECTION 67. It shall be the duty of the superintendent or his deputy, in his daily examinations, to examine par-

ticularly as to any leaks or waste of salt water from the cisterns attached to the several manufactories, or from the logs or conduits leading the water to the same; and as to any leak or waste of salt water, either by negligence or design, whether the same be in the cisterns, logs or conduits, or in the use of water in the manufactory, or in letting the same into the cisterns, or in any other manner; and to order the owner or other person occupying such manufactory, or any of his agents and servants who may be present, forthwith to stop such leak or waste.

dent or
deputy.

SECTION 68. In case such order shall not be complied with as soon as may be practicable, the superintendent or deputy shall stop all communication between such manufactory and the logs and conduits leading to the state reservoirs, so that no more salt water shall come to such manufactory for any period not to exceed thirty days, at the discretion of the superintendent.

Orders to
be complied
with.

SECTION 69. Every manufacturer or other person who shall open the communication between any manufactory or salt work, and the logs or conduits leading to or connecting with the state reservoirs, without the consent of the superintendent or of one of his deputies, or shall aid, assist, counsel, or advise in opening the same, without such consent, shall forfeit the sum of one hundred dollars.

Communi-
cation not
to be open-
ed unless
by consent.

SECTION 70. If at any time, any unauthorized communication shall be detected, by which the proprietors of any coarse or fine salt works shall be found to receive or obtain the salt water from the state reservoirs or aqueducts, surreptitiously, or in greater proportion than the superintendent shall deem proper to furnish, the owners of such salt works shall forfeit and pay on the demand of the superintendent, the sum of one hundred dollars for each offense, and in default of payment shall be deprived of their supplies of water, under his direction, until such demand shall be complied with.

Unauthor-
ized com-
munication.

SECTION 71. Each manufacturer of fine salt shall have two cisterns or reservoirs attached to and adjoining his manufactory. Such cisterns or reservoirs shall be well made, and, as near as may be, free from leaks; and each of them shall be of sufficient capacity to contain as much

Two
cisterns to
each factory

salt water as can be boiled or evaporated in such manufactory, from the kettles or pans set therein, in two days.

Neglect to provide cisterns.

SECTION 72. No manufacturer of fine salt, who shall neglect to provide such reservoirs or cisterns, or who shall neglect to keep the same in good repair, so as to save the water from undue or unnecessary waste, shall be entitled or permitted to receive any salt water from the state reservoirs.

Habitual neglect to comply with rules.

SECTION 73. If any manufacturer of salt shall be found habitually neglecting any of the rules and regulations prescribed by the superintendent, or by law; or shall be in the habit of making bad salt; or if the quantity of salt inspected from his manufactory shall be found materially less than is usually produced from a manufactory of the same capacity of kettles, for the time it was actually in operation; it shall be the duty of the superintendent to suspend the right of such person to carry on such manufactory, for such length of time as he may deem proper, not exceeding three months at any one time.

Boiler, neglect, &c.

SECTION 74. If any boiler, packer, or other laborer, employed by any manufacturer, shall neglect or refuse to obey the directions that may be given him by the superintendent, or any of his deputies, in and about any salt works or manufactory, in respect to the manufacture, packing, or care of the salt so produced by such manufacturer, and to be offered for inspection, it shall be the duty of the superintendent to require the discharge of such offender from his employment, and such person so discharged shall not be again employed by any person in the manufacture of salt, without the consent of the superintendent.

Buildings to be kept in repair.

SECTION 75. It shall be the duty of every manufacturer to keep all his buildings, cisterns and appurtenances for the manufacture of salt in a state of thorough repair, so that the salt manufactured by him shall not suffer damage, or be impaired in quality after the same shall have been deposited in the bins or store-houses; and if any manufacturer shall neglect or refuse, upon the requisition of the superintendent, to place his works in such a state of repair, or to put them in a proper condition, for the manufacture and preservation of good salt, he shall forfeit his right to the use of the salt water, and

the superintendent may disconnect the communications between the state aqueducts and his cisterns, until such manufacturer shall comply with the requisitions of the superintendent.

ARTICLE 5.

REGULATIONS AND PENALTIES CONCERNING THE INSPECTION, PACKING AND REMOVAL OF SALT, AND THE PAYMENT OF DUTIES THEREON.

SECTION 76. It shall be the duty of the superintendent and his deputies, charged with the inspection of salt, carefully and constantly to superintend the manufacture of the salt carried on in the several fine and coarse salt manufactories; to examine and inspect the salt made therein, in the various stages of its production, in kettles and vats, and in the bins and store-houses; and when inferior or impure salt is made, to require that the same shall not be mixed with salt that is suitable for passing inspection, but shall be separated therefrom, and either destroyed or returned to the cisterns to be dissolved, or otherwise deposited in some proper place to be disposed of as salt of second quality. And no salt shall be allowed to be packed and branded that shall not be clean and pure, and of the best quality, in all respects.

Superintendent to superintend the manufacture and inspection of salt.

SECTION 77. Every person desiring to have salt inspected, shall apply to the inspector, in the district where the same shall be, who shall thereupon actually examine the salt so offered for inspection, in a bag, barrel, or other vessel in which the same may then be.

Inspection.

SECTION 78. To facilitate such examination, it shall be the duty of the person offering the salt for inspection, to unhead or bore the barrel, or to open the bag or other vessel in which the salt is contained, as may be directed by the inspector, so as to expose the salt to his touch, view and examination.

Ibid.

SECTION 79. The inspector shall not pass any salt as good, unless he shall find it to be well made, free from dirt, filth and stones, and from admixtures of lime, or of ashes of wood, and of any other substance which is injurious to salt, fully drained from pickle, the bitterns properly extracted therefrom, and manufactured as directed by this act, and by the rules and regulations of the superintendent.

Ibid.

Inspection.

SECTION 80. The person offering the same for inspection, shall in all cases provide the necessary strength to lift the salt, while the inspector weighs or measures it.

Duplicate inspection bills.

SECTION 81. Whenever the inspector shall have ascertained the quantity of salt in any parcel offered for inspection, and shall be satisfied that it is of such quality that it ought to pass inspection, he shall deliver duplicate inspection bills thereof, dated and signed by him, to the person applying for the inspection.

Names of persons to be in bills.

SECTION 82. In such bills of inspection there shall be stated the names of the persons at whose instance the inspection is had, and of the manufacturer; the number of bushels and pounds of salt contained in the parcel; and the number of bags, barrels or other vessel in which it shall be contained; together with a certificate of the inspector, stating that he has inspected the salt specified in such bills.

Application for inspection.

SECTION 83. The person applying for inspection shall thereupon repair to the receiver's office in the district where the salt is inspected, and deliver to the receiver or person keeping such office, such duplicate inspection bills, and pay the duties on the salt mentioned therein.

Receiver, duty of.

SECTION 84. It shall be the duty of the receiver, thereupon :

1. To mark such bills with numbers, in the order in which they are presented, placing the same number upon each duplicate bill of the same parcel; which number shall be commenced anew with the commencement of every month.

2. To enter upon his books an account of the parcels of salt, in which he shall state the number of the parcel; the name of the person at whose instance the same shall have been inspected, and of the manufacturer; the number of bushels and pounds of salt in the parcel; the number of bags, barrels or other vessels in which it is contained; the amount of duties thereon, and the day when the same are paid; and

3. To sign a receipt at the foot of each duplicate inspection bill, and to deliver the same to the person paying the duties.

Bills to be delivered to inspector.

SECTION 85. Such person shall forthwith deliver one of the bills to the inspector by whom the salt was inspected, and retain the other as evidence of the payment

of the duties thereon. The bills so received by the inspector shall be entered in a book to be kept by him, in the manner above provided.

SECTION 86. Such inspector, upon receiving the inspection bill so receipted, shall thereupon brand, or mark with durable paint, the barrel or cask containing the salt so inspected, with the surname at length, and the first letter of his christian name, with the addition of the word "inspector," in letters of at least one inch in length; and shall mark upon the head of the barrel or cask, with durable paint, the number of pounds of salt contained in such barrel or cask.

Duty of
inspector on
receipt of
bills.

SECTION 87. Until one of the inspection bills so receipted shall have been returned to the superintendent, and the salt, when in cask headed up, shall have been so marked or branded, the inspection shall not be deemed complete, nor the payment of the duties consummated.

SECTION 88. If the said salt shall be put up in barrels, it shall not be marked unless the barrels are thoroughly seasoned, stout, and well made, with a sufficient number of good strong hoops, to be well nailed and secured, not burned or colored on the inside, or dirty on the outside, nor without having the holes made for inspection, or the knot holes, if any there should be, well and securely plugged up.

Salt in
barrels.

SECTION 89. If the said salt shall prove upon examination not to be thoroughly drained, or if, when the barrels are standing on end, water shall exude therefrom, such barrels shall not be branded by the inspector, but the salt therein shall forthwith be emptied back into the bins, where it shall remain for a further period of fourteen days before it shall be lawful again to pack the same.

Salt not
thoroughly
drained.

SECTION 90. It shall be the duty of the superintendent to cause all salt barrels to be inspected before the same are used for packing salt therein, under such rules and regulations as shall from time to time be adopted and published by him, and all salt shall be rejected when offered for inspection in barrels not inspected, or in inspected barrels not properly secured after the salt is packed therein, so as to preserve the salt from waste or injury.

Barrels to
be inspect-
ed.

SECTION 91. The superintendent shall provide some suitable brand, with which all inspected barrels shall be

Brand to be
provided.

branded or marked, and any person who shall falsely or fraudulently make or counterfeit, or cause to be made or counterfeited, or knowingly aid and assist the fraudulent making or counterfeiting the said mark or brand on any barrel, shall be liable to the same forfeitures, liabilities and penalties as are by law provided for the false or fraudulent making or counterfeiting the mark or brand of the superintendent of salt.

Inferior
salt.

SECTION 92. Salt of an inferior quality, dirty, damaged or condemned, may be sold loose or in bulk by the manufacturer thereof at the works, the inspector designating the quantity by weight in the inspection bill, as in ordinary cases, and distinguishing the same as "second quality," and the person having the same inspected paying the duty thereon; but such inferior salt shall not be packed in a manner calculated to deceive an innocent purchaser, as to its real quality, and if packed in barrels in the ordinary manner the same shall be branded in plain letters "second quality."

Penalty for
certain
offences.

SECTION 93. Every person who shall either :

1st. Falsely and fraudulently make or counterfeit, or cause to be made or counterfeited, or knowingly aid and assist the fraudulent making or counterfeiting of the mark or brand of any superintendent, on any barrel, cask, sack or box containing salt; or,

2nd. Falsely and fraudulently make, alter or counterfeit, or knowingly aid and assist in the false and fraudulent making, altering or counterfeiting of any inspection bill, or any receipt of duties thereon, with intent to defraud the people of this state :

Shall be deemed guilty of felony, and on conviction thereof, shall be imprisoned in the state prison for a term not less than three nor more than six years.

No inspec-
tion after
sundown.

SECTION 94. No superintendent or inspector shall inspect salt after sundown, or before sunrise; and no salt manufacturer shall retail or deliver any uninspected salt after sundown, or before sunrise; and any person offending against any of the provisions of this section, shall forfeit the sum of twenty-five dollars.

When to be
packed.

SECTION 95. Salt shall not be packed in casks, barrels, sacks or other vessels, nor shall it be taken from the salt works in bulk or otherwise, until it has remained in the bin or store-house at least fourteen days.

SECTION 96. Nor shall any manufacturer or other person pack, or cause to be packed, after the said fourteen days shall have expired, in barrels, casks or boxes, any salt until an inspector shall have determined, upon actual examination, that the same is sufficiently drained of pickle and otherwise fit for inspection.

Not to pack until inspection, &c.

SECTION 97. If any manufacturer, or other person, shall pack any salt in barrels, casks or boxes, before it shall have lain in the bin or store-house the said term of fourteen days, and before the superintendent shall have determined that it is fit for inspection, he shall forfeit the sum of twenty-five cents for every bushel of salt so packed.

Penalty for disregarding, &c.

SECTION 98. Barrels, sacks, or other packages in which salt shall have been packed and inspected, shall not be again used for the packing of salt therein, until the marks or brands made by the superintendent shall be first effaced, and if any person shall pack or cause to be packed, or shall aid or assist in the packing of any uninspected salt, in any such barrel, sack or package, without first effacing such marks or brands, he shall forfeit, for every bushel of salt so packed, the sum of five dollars.

Brand on old barrels to be erased

SECTION 99. No salt shall be removed from the place where the same shall have been manufactured, until it shall have been regularly inspected, without the consent of the superintendent, unless it be to the superintendent's office for the purpose of being inspected.

Inspected.

SECTION 100. It shall be the duty of every manufacturer to brand or mark, with durable paint, every barrel or other package of salt manufactured by him, with the surname at full length of the proprietor or owner of the manufactory at which the same shall have been made, and the initial letter of his christian name, and if the same shall have been manufactured for a company or association of individuals, he shall mark or brand in like manner, upon every such barrel or other package, the name of the firm by which the company is usually called.

Surname of manufacturer.

SECTION 101. No inspector shall inspect or pass any barrel or other package of salt, which shall not be marked or branded in the manner prescribed in the last section. It shall be the duty of the manufacturer to brand the name of the district in which his block of kettles is located, upon every barrel or other package of salt

When not to be inspected.

which he may require to be inspected ; and the superintendent shall not affix his brand to any barrel or other package of salt which shall not have been so branded by the manufacturer before offering the same for inspection.

Penalty for
forging
brand.

SECTION 102. Every person who shall forge or counterfeit the name, so required to be put on by the manufacturer, or shall cause or procure to be put on any barrel or other package in which salt shall be packed, the name of any person other than that which ought to be put thereon shall, for every such offense, forfeit the sum of twenty-five dollars, and shall also be liable for all damages to the party aggrieved.

Salt found
in any of
the fourth
senatorial
district.

SECTION 103. In case any barrels, casks or sacks of fine salt, of the appearance and quality of salt usually manufactured in that district of country which, by the act entitled " An act respecting the four great senatorial districts of this state," passed April seventeenth, eighteen hundred and fifteen, was denominated the " western district," shall be found in any of the counties included in that district not marked or branded in the manner hereinbefore directed, it shall be the duty of the superintendent, or any of his deputies, to seize all such salt, and to sell the same for the use of the people of this state, in the manner directed in the one hundred and sixth section of this act, unless the owner of said salt, or the person having the same in possession, shall prove to the satisfaction of the person seizing the same that the duties thereon have been actually paid, or that such salt was not subject to duty.

Attempt to
remove
from reservation,
store-house,
&c.

SECTION 104. Every person who shall remove, or attempt to remove, from the reservation, or from any salt manufactory, store-house or other place of deposit, any salt, before it shall have been inspected, and the duties thereon paid, with intent to evade the inspection thereof, or the payment of the duties thereon, shall forfeit such salt, together with the bag, barrel or other vessel in which it shall be contained.

Forfeited.

SECTION 105. Every such person shall also forfeit five dollars for every bushel of salt so removed or attempted to be removed ; and the boat, vessel, cart, wagon, sled or other vehicle in or by which the same shall be removed or attempted to be removed, together with all the apparel, tackle and team thereto belonging, shall be

taken to be the property of such person, and be liable to the payment of such penalty.

SECTION 106. The superintendent and his deputies, and every person by him for that purpose specially deputed, and every person empowered to execute any process issued for any penalty incurred under the last two sections, or either of those sections, shall severally have power to enter any boat, vessel, cart, wagon, sled or other vehicle in or by which such salt shall have been removed, or attempted to be removed, as above specified; to seize all such salt, with the bag, barrel or other vessel containing it, and to sell the same, for the use of the people of this state, at public auction, after giving six days' notice of the time and place of sale.

Persons
who may
execute
process.

SECTION 107. The officer or person making such seizure may also seize such boat, vessel, cart, wagon, sled or other vehicle, together with the tackle, apparel and team thereto belonging, and may retain the same until the determination of any suit which may be brought for the penalty above imposed.

Seizure.

SECTION 108. When any property shall be seized by any officer under the provisions of this act, the owner of such property may obtain possession of the same by giving a bond, with sureties, to the superintendent of said salt springs, for the return of such property to such officer whenever judgment shall be obtained in the suit commenced to recover the forfeiture incurred, to secure which such seizure shall be made. The bond shall be in such form and with such sureties as the superintendent shall approve.

Property
seized.

SECTION 109. If such bond shall not be given within twenty days after the seizure of the property, the superintendent may cause the property so seized, or so much thereof as he may consider necessary to satisfy any judgment which may be recovered for any penalty to secure which such seizure shall have been made, to be sold at public auction, on giving such notice as sheriffs are required to give of the sale of personal property on execution, and retain the proceeds thereof to satisfy such judgment, and pay over the balance, if any there shall be, to any person legally entitled to the same, after such judgment shall have been obtained.

Bond.

SECTION 110. Such officers or other persons shall also

Power of
officers.

severally have power to enter every barn, store-house, inclosure or other place of deposit which they may suspect to contain salt so removed, or attempted to be removed, to seize all salt so removed, or attempted to be removed, that shall be found therein, with the bag, barrel or other vessel containing it, and to sell the same, in the manner and for the purposes provided in the one hundred and sixth section of this act.

When
superinten-
dent shall
suspect, &c.

SECTION 111. Whenever the superintendent shall suspect that any of the laws relating to the inspection of salt, or the payment of duties thereon, or otherwise, by which a penalty may have been incurred, for which it is his special duty to prosecute, has been violated, he may apply to any magistrate authorized to issue process in criminal cases, for process to bring before him any person suspected to be a material witness touching such alleged violation of law.

Magis-
trate's
power.

SECTION 112. Such magistrate shall have the like power to compel the witnesses to attend before him, and to give testimony, as he now possesses in cases brought before him upon complaints for such crimes as may be presented by indictment.

Witnesses
to be ex-
amined.

SECTION 113. Such witnesses shall be fully examined by the magistrate upon all proper points required by the superintendent touching such suspected violation of the law; his testimony shall be reduced to writing, subscribed by the witness and certified by the magistrate, and delivered to the superintendent.

Attendance
of witnesses

SECTION 114. The magistrate shall have the like power to secure the attendance of the witnesses before any court for such penalty, when required by the superintendent, as he may now exercise in criminal cases.

Forfeitures,
&c.

SECTION 115. All penalties and forfeitures for smuggling salt, or for the transporting the same away so as to evade the payment of the duties thereon, when recovered, shall be one-half to the use of the people of this state and the other half to the person who shall give information of the offense.

Quantity of
salt in
barrels.

SECTION 116. The superintendent shall, by regulation, from time to time, specify the quantity of salt that shall be contained in barrels or other packages, which shall be offered for inspection, and it shall not be lawful for him to authorize the inspector's brand to be placed upon any

package that does not correspond with the said regulation.

SECTION 117. The superintendent shall, by regulation, require that all ground salt manufactured at said salt springs, and put up for the market in barrels, kegs, boxes, sacks or bags, shall be legibly marked on each barrel, keg, box, sack or bag, with the word "solar" or "boiled," as the fact may be; such marking to be done in letters of not less than half an inch in length. Regulations
&c.

SECTION 118. If it shall be found upon opening any barrels or sacks of Onondaga salt, duly branded according to law, that the salt contained therein is of a quality inferior to that required by law, the inspector or deputy who inspected the same shall be liable to a penalty of one dollar for each and every bushel so found inferior, to be sued for by any purchaser or purchasers injured thereby; and the maker and manufacturer whose name is branded on the barrel or painted on the sack shall also be liable to the same penalty for each and every bushel of such salt, to be sued for by the purchaser thereof. Penalty for
putting up
inferior
quality.

SECTION 119. If any superintendent shall consent to, connive at, aid or abet the smuggling of salt, or the transportation of the same away, so as to evade the payment of duties thereon, or shall accept of any bribe or sum of money, or any gift or reward whatsoever, upon any express, or secret, or implied trust, or confidence that he shall connive at or consent to any evasion of the laws for the inspection of salt, the payment of the duties on salt or the distribution and delivery of salt water to any of the salt works, such superintendent shall forfeit his office and pay, to the use of the people of this state, the sum of two hundred and fifty dollars. Smuggling
salt.

SECTION 120. If any deputy or subordinate officer employed by the superintendent shall be guilty of the offenses specified in the last section, or either of them, such deputy or officer shall forfeit, to the use of the people of this state, the sum of two hundred and fifty dollars, for the recovery of which his bond shall be put in suit. Officers
guilty of
such
offenses.

SECTION 121. Whenever any salt has been inspected, and on which the duties have been paid, shall suffer any damage, so as either to reduce its weight or impair its quality, it shall be the duty of the superintendent to erase his inspection brand from the package containing the Damaged
salt.

same, and to require that it shall be repacked, if reduced in weight only, or destroyed if impaired in quality, by returning it to the cisterns from which the owner or manufacturer thereof shall draw his supplies of brine for his works.

Boat sunk
in canal.

SECTION 122. Whenever any boat, laden in whole or in part with salt, shall be sunk in the canals or navigable waters of this state, so as to immerse or damage the same, or if any boat so laden shall be partly immersed or filled with water so as to damage any part of a cargo of salt on board, it shall not be lawful for the owner thereof, or any person in his name or behalf, to sell or otherwise dispose of the same in the original package; but such salt shall be emptied from the barrels or sacks containing it, and may be sold or disposed of after it shall have been exposed to public view, so that its quality and condition may be known. Salt so injured shall not be again packed in barrels bearing the inspector's brand, nor shall it be lawful to ship or transport the same beyond the bounds of this state.

Persons
offending
against last
section, &c.

SECTION 123. Any person offending against the provisions of the preceding section, shall forfeit and pay the sum of two hundred and fifty dollars for each and every offense, to be sued for and recovered in the courts of any county where it may be committed, in the same manner as any other penalty* prescribed in this act.

Second
quality.

SECTION 124. It shall not be lawful for any person to make any use of salt inspected and passed as of "second quality," for the purpose of mixing the same with other salt to be ground, or otherwise prepared for the packing of provisions, or as table salt; and any person offending against this section shall be liable to a penalty of one hundred dollars for each and every offense, to be sued for and collected in the same manner that any other penalty may be recovered under this law.

Act to be
printed.

SECTION 125. The superintendent shall cause such number of copies of this act to be printed in pamphlet form as he shall judge necessary, and shall cause them to be distributed among the several officers mentioned in this act, and the justices of the peace, constables and salt manufacturers on salt springs reservation.

* So in original

ARTICLE 6.

MISCELLANEOUS PROVISIONS APPLICABLE TO THE SALT SPRINGS.

SECTION 126. Whenever the term "reservation" occurs, in the second, third, fourth, fifth and sixth articles of this act, it shall be construed to extend to the whole of the original reservation for the use of the salt springs. Reservation

SECTION 127. The term "manufacturer," whenever it shall occur in the above mentioned articles of this act, shall be construed to apply to every person having, at the time, the charge, direction or control of a manufactory, whether as owner or proprietor thereof, or by lease or hiring from such proprietor. Manufactur-
er.

SECTION 128. The superintendent, and each of his deputies, and all persons employed in attendance upon any works for the manufacturing of coarse salt, shall be exempt from serving on juries, and from all military service, except in case of actual invasion or insurrection; and the commission or appointment in writing of any such officer or deputy, and the certificate of any owner or agent of any coarse salt manufactory, that any person is employed or engaged in attending upon such manufactory, shall be evidence of the facts stated therein. Exemptions
of officers.

SECTION 129. Any process by which the defendant's body is ordered to be taken in any action brought for any forfeiture of penalty under this title, may be issued and served on Sunday, and the defendant held in custody for trial until a reasonable time on the day following, if such process be issued by a justice of the peace; but if issued from any court of record, then the defendant shall be detained until he shall give bail, as in actions where defendants are held to bail. Process
may be
served on
Sunday.

SECTION 130. If no civil officer be present to serve any such process, the superintendent or either of his deputies shall be and they are hereby respectively authorized to serve such process, whether the same be issued and served on Sunday or any other day. Absence
of civil
officers.

SECTION 131. In case process issued out of any court of record shall be so served, bail shall be taken in the name of the sheriff in the same manner as though such process had been served by one of his deputies; but the Bail may
be taken.

sheriff shall not be responsible for the sufficiency of such bail, unless the defendant shall have been actually committed to jail, in which case he shall be responsible as in other cases.

Suit for
recovery of
penalty.

SECTION 132. If any suit for the recovery of any such penalty or forfeiture shall be prosecuted by warrant issued by any justice of the peace of the county of Onondaga, it shall not be lawful for such justice to adjourn the cause, on the prayer of the defendant, unless such defendant shall consent that the justice take the testimony, in writing, of any witness on the part of the plaintiff, then present, but actually residing without the county of Onondaga.

Testimony
may be
taken.

SECTION 133. If the defendant shall consent, the justice shall then proceed to take such testimony in the presence of the defendant, and reduce the same to writing, after which the cause may be adjourned, and the testimony so taken shall be received in evidence on the trial of the cause.

Judgment.

SECTION 134. Whenever a judgment shall be obtained before a justice of the peace against any person for any penalty or forfeiture under this act, and an execution be issued thereon, in case the officer having such execution shall not be able to levy the same on any property of the defendant, he shall commit the defendant to the jail of the county, where he shall remain confined within the walls of the jail, without bail, for the term of sixty days, unless he shall sooner pay or satisfy such execution; and every execution so issued shall contain a clause, ordering the defendant to be imprisoned, as above specified, unless property whereon to levy such execution shall be found by the officer to whom the same shall be directed.

Judgment
in court
of record.

SECTION 135. Whenever a judgment shall be recovered in a court of record for any penalty or forfeiture incurred under this act, and an execution thereon against property shall have been returned unsatisfied, in whole or in part, the defendant, upon any execution against his body, shall be imprisoned within the walls of the county jail, in the manner above provided, one day for each dollar in the penalty recovered in such cause, and then remaining unpaid, without bail, unless he shall sooner satisfy such execution.

Defendant
not to be
out of jail.

SECTION 136. If at any time any defendant so committed to jail shall be found without the walls of the jail

before he is entitled to his discharge, it shall be deemed an escape, and the sheriff shall be liable for the amount due on the execution.

ARTICLE 7.

OF THE SALT SPRINGS AT MONTEZUMA.

SECTION 137. The care and superintendence of the Montezuma salt springs shall be vested in a superintendent, who shall be appointed by the governor of this state, and shall hold office for three years. Montezuma springs.

SECTION 138. Said superintendent shall exercise all the authority and be charged with all the duties pertaining to the manufacture and inspection of salt at Montezuma, which are required to be performed by the superintendent of the Onondaga salt springs; and all the provisions contained in this act relating to the collection of duties and imposing penalties, by said superintendent, shall be in force, so far as the same shall be applicable. Superintendent's authority.

SECTION 139. Any person hereafter appointed to the office of superintendent, shall, within thirty days after he shall receive notice of his appointment, execute a bond in the sum of five thousand dollars, with two sureties, to be approved by the comptroller, whose approbation shall be indorsed on said bond, conditioned that such person shall faithfully and honestly execute and perform the duties of said office, as the same is or may be hereafter prescribed by law. Any person hereinafter appointed superintendent.

SECTION 140. All lands, wells, springs, buildings and machinery or property belonging to the people of this state at Montezuma, used in the manufacture or inspection of salt, or used in raising salt water, shall be in the charge and custody of said superintendent. Property of state at Montezuma

SECTION 141. For his compensation, such superintendent shall receive for his own use all the duties on salt inspected by him, until the same shall exceed the sum of two hundred fifty dollars; and the excess over that sum shall be expended in repairing buildings, machinery, reservoirs, and other property under his charge belonging to the people of this state. Compensation of superintendent.

SECTION 142. The superintendent, with the consent of the canal commissioners, may take water from the canal sufficient to carry a pump for the purpose of rais- Water of canal.

ing salt water to supply the works now or which may be hereafter erected; but the water so taken may be resumed by the canal commissioners, whenever, in their opinion, it may be necessary for the use of the canal.

Repairs.

SECTION 143. The superintendent shall keep in repair the erections belonging to the state, and used for supplying the salt works with brine; and may dig new wells and make such new erections as he may think needful and proper, paying for the same out of any surplus funds in his hands, arising from fines or duties on salt, or any appropriation which may be hereafter made for such purpose by the legislature, rendering an account annually to the comptroller of his receipts and expenditures.

SECTION 144. Title ten, chapter nine, part first of the Revised Statutes, entitled "Of the salt springs," and all acts and parts of acts in addition to or amendatory thereof, are hereby repealed.

SECTION 145. This act shall take effect immediately.

Chap. 347.

AN ACT to amend certain sections of the charter of the village of Seneca Falls, as amended by an act passed March twenty-nine, eighteen hundred and fifty.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two, of said charter, is hereby amended so as to read as follows:

Wards.

The said village shall be divided into four wards, as follows: All that part of the said village lying north of the center of Seneca river, and east of the west line of State street continued to the center of the river, shall be the first ward; all that part of the said village lying north of the center of said river, and west of said west line of State street, shall be the second ward; all that part of the said village lying south of the center of said river, and west of the reservation line, shall be the third ward; and all that part of said village lying south of the

center of said river, and east of the said reservation line, shall be the fourth ward.

§ 2. The third section of said charter shall read as follows: The officers of the corporation shall consist of one president, who shall hold office for two years; eight trustees, who shall hold office for two years; one clerk, who shall hold office for two years; one treasurer, who shall hold office for one year. Said officers shall be elected by the people of the corporation, qualified to vote for members of the assembly. And the board of trustees shall appoint, annually, one assessor, two police constables and such other officers as shall be authorized or required by this act, who shall hold office for one year.

Officers.

§ 3. The fourth section of said charter shall read as follows: An election of officers of the corporation shall be held in each ward of the said village, on the second Tuesday in January in each year, at such place as the board of trustees shall appoint, of which six days' previous notice shall be given in writing, in two public places in each ward, by the clerk of said village.

Election.

§ 4. The fifth section of said charter shall read as follows: At the election to be held on the second Tuesday in January next, each elector shall be entitled to vote by ballot in the ward in which he resides, for one trustee for one year, and for one trustee for two years; and at each subsequent election, for one trustee. His ballot offered for that purpose shall be folded and indorsed "Ward." He shall also be entitled to vote for a president, a clerk and a treasurer of the said corporation, and at each subsequent election for such of said village officers as shall be then to be elected; and his ballot offered for that purpose shall be folded and indorsed "Village." The clerk first elected shall hold his office for one year only; and the term of office of one trustee in each ward, then to be elected, shall expire on the second Tuesday in January, eighteen hundred and sixty-one.

Election in
January
next.

§ 5. The sixth section of said charter shall read as follows: The trustees of each ward shall be inspectors of election therein. In the case of the absence of any trustee, an inspector may be appointed to fill his place by the president of the village. The trustee last elected, or the person appointed to fill his place, shall be chairman of the board, and the two inspectors, with the president

Inspectors
of election.

of the village, in case the inspectors shall not agree, shall appoint a clerk. They shall have the same powers and duties as belong to such officers at town elections.

Term of
office.

§ 6. The last sentence in section eight of said charter shall read as follows: All such persons shall hold their offices as hereinbefore provided, and until others shall be elected and take the oath of office.

Meeting of
trustees.

§ 7. Section eleven of said charter shall read as follows: The president and trustees, or a majority of them, shall meet within five days after their election, for the purpose of organizing the board of trustees, and taking the proper oath of office before a justice of the peace. The trustees shall hold stated meetings at least once in each month, and as often as the business of the corporation may require. The president shall preside at all meetings of the board of trustees, and shall give the casting vote whenever there shall be a tie in the vote of the trustees. At their second meetings in each year, the trustees shall elect one of their number to be chairman of the board of trustees of said village for the ensuing year, who, in case of the absence of the president of the village, or his inability to act, shall, during such absence or inability, exercise all the powers and duties of the president of the village, and shall be entitled to vote on all questions. In the absence of the president of the village, and of the chairman of the board, the trustees may elect one of their number to preside pro tem., who shall also be entitled to vote on all questions. No ordinance or resolution of said board shall take effect unless approved by the president of the village, unless on the ayes and noes being called after the refusal of the president to approve the same, six trustees shall vote in its favor; and no act of said board in relation toward improvements shall be valid unless it has the assent of one of the trustees of the ward in which it is to take effect. Special meetings of the board of trustees may be called by the president of the village, or by the trustees of any ward, on notice to the president, and each of the other trustees. One trustee from each ward, with the president, or six trustees, shall constitute a quorum to do business.

Absence of
president.

§ 8. Subdivision one of section twelve of said charter shall be amended by adding thereto the words:

Village
prison.

And to erect and maintain a village prison, for the tem-

porary detention of all persons charged with the commission of any crime, misdemeanor or offense against the laws of the state, or the ordinances of the village; or who shall be held, by reason of the judgment of any court, for the non-payment of any fine imposed for any misdemeanor committed, or for any penalty incurred within said village; and all such fines and penalties shall be paid into the village treasury, for the support of said prison and village police; and said village prison shall be kept in a comfortable and healthy condition. Said village prison shall be erected and maintained solely at the expense of said village and corporation. The president of the village, for cause shown, may order the discharge of any person confined in said village prison, under any ordinance, or by reason of any fine or judgment in favor of said village; and he shall have power to remit or compromise any such judgment, all costs and expenses incurred being paid.

Powers of
president.

Subdivision four of section twelve of said charter shall read as follows: To prohibit, control, authorize or regulate, by license, billiard tables, nine or ten pin alleys, and gun or ball alleys.

Subdivision twelve of said section twelve shall be amended by adding thereto the words: And to restrain the running at large, within said village of cattle, horses, swine, geese or other animals, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and cost of keeping and proceedings.

Subdivision fifteen of said section twelve shall read as follows: To prohibit, restrain or regulate, by license, auction sales, and to restrain and prohibit hawking and peddling in the streets.

Hawking,
peddling, &c

Subdivision seventeen of said section twelve shall read as follows: To prevent the use or maintenance of any unsafe fire, or building or apparatus in which a fire may be made or used; and to appoint and fully empower a fire warden in each ward, who shall have authority, and whose duty it shall be to inspect every house and place in his ward, in relation to its security against fire; and to do all such acts, and to give such needful orders and directions in regard to all such places as he may deem proper, which orders and directions shall be promptly obeyed, under such penalty and summary punishment as

Unsafe
buildings,
&c.

the board of trustees may in such case prescribe. The orders and directions of any fire warden may be countermanded by the president of the village, on appeal to him.

Treasurer.

§ 9. Section fifteen of said charter shall read as follows: The treasurer shall collect all moneys ordered to be raised by tax, as specified in any tax list furnished to him by the trustees; and make a correct account and return thereof, according to such warrant. He shall have the same powers as belong to the collectors of town taxes; and on receiving any warrant for the collection of taxes, he shall immediately thereafter cause notice of the reception thereof to be published in each of the newspapers published, once in each week, within said village; and shall designate in such notice a convenient place in such village where said warrant will be left for forty-five days, from a day to be named, and where said taxes will be received during that time; and any person may pay his taxes at such place, and to such treasurer or person authorized by him to receive the same, within the first thirty of said forty-five days, on paying one per cent fees thereon; and within the remaining fifteen days, on paying two per cent fees thereon; but every such treasurer shall be entitled to receive five cents fees on every amount of tax, where the whole tax shall be less than one dollar. After the expiration of the said forty-five days, it shall be the duty of such treasurer to proceed and collect the unpaid taxes in the same manner as unpaid taxes in the towns are collected; but he shall have power to appoint, by an appointment in writing, signed by him, any constable within said village to collect the same, and for whose acts said treasurer and his sureties shall be responsible; and such treasurer or constable, so appointed by him, shall have all the powers and duties that belong to collectors in the several towns, and shall be entitled to collect as fees of each person of whom they shall have to collect any such unpaid taxes, the sum of ten cents for travel fees, in addition to the five per cent fees now provided by law for collectors of towns. All persons within said village shall be liable to taxation for village and ward purposes, except ministers of the gospel now exempt by law, and such firemen as may be exempt by the law of the state and the ordinances of the village; and all "military tax" collected within said village of resi-

dents thereof, by any collector, shall be paid into the village treasury for the support of the police in said village.

§ 10. Section sixteen of said charter shall read as follows: The police constables of said village shall execute the ordinances and by-laws of the village, and shall be under the immediate direction of the president, who shall be chief of the police within said village; and the president and said police constables shall have the same powers and rights as belong to town constables, and said police constables shall be entitled to the same fees which town constables would be entitled to for similar services.

Police
constables.

§ 11. Section seventeen of said charter shall read as follows: The assessor of said village shall make and deliver to the board of trustees, whenever they shall direct assessments and valuations of real and personal estate, within said village, or either of the wards thereof. He shall keep each ward separate, and shall conform as nearly as practicable to the law prescribing the duties of town assessors. A new assessment shall be made annually, within forty-five days after his election. Ten days shall be sufficient notice of the time and place at which he will review his assessment. After such review he shall deliver the assessment roll to the board of trustees, duly certified and signed by him. The said board shall have power to correct any error in the names, words or figures which they may thereafter discover in the assessment rolls. The assessor shall receive as compensation one dollar and fifty cents for each day actually employed in the duties of his office, not exceeding thirty-five dollars per year.

Assessor.

§ 12. Section eighteen of said charter shall read as follows: The president shall have the general supervision of the streets in said village; and the several trustees shall be overseers of highways within their respective wards. The trustee in each ward whose term of office shall first expire, shall, during the last year of his term, be the acting overseer of streets within his ward, and shall superintend the making, improving, repairing and cleaning of the streets, gutters and sewers therein. It shall be his duty to keep an accurate account of all moneys expended by him in the performance of any work, together with the cause of such expenditure, and to render account of the same to the board of trustees. He

President,
general
supervision,
&c.

shall have power, under direction of the board, to hire laborers and purchase material and tools, but no contract made by him shall be binding on the corporation, unless ratified by the board of trustees. In case of the absence of said trustee, or his inability to act, the other trustee in said ward shall act pro tem.

§ 13. Subdivision one, of section twenty-two of said charter shall be amended by striking out the word thirty in the first line, and inserting instead thereof the words forty-five.

§ 14. Section twenty-three of said charter shall read as follows:

Powers of
board of
trustees.

1. The board of trustees shall have power to cause sidewalks, gutters and sewers to be made or repaired on any street, and may order a sidewalk to be repaired or constructed of such material, in such manner and within such time as the said board shall deem proper. Whenever they shall deem it necessary to make or repair any sidewalk, or sewers, or gutters adjoining any sidewalk in said village, they shall give notice in writing to the owners or occupants, or persons in charge of the several lots in front of which such sidewalks, sewers or gutters are required to be made or repaired, in which notice shall be specified what work or repair is required to construct or repair such sidewalk, sewer or gutters, as the case may be, in such manner, and within such time as said board shall direct, and that such owner, or owners, or occupant, or person in charge, shall cause the same to be done or that the same will be done by the corporation, under the direction of the president and acting overseer of the ward, and the expense thereof charged to such lot, and the same shall be a lien and charge upon such lot, as well as a debt against the owner thereof. And if the owner or owners, occupant or person in charge of any lot or piece of ground adjoining any street, shall neglect or refuse to construct or repair the sidewalk, gutters or sewers in front thereof, as directed by the board of trustees, in such notice and ordinance, such sidewalk, gutter or sewer may be constructed or repaired by the corporation as aforesaid, and the cost thereof shall be ascertained and declared by the said board, and the same shall be a lien and charge upon said lot, and a debt against the owners thereof, and may be

collected by an action against such owner in the name of the corporation, or upon the warrant of the trustees, in the same manner as other taxes are collected by this act; or the said lot or piece of ground may be sold to pay the same upon the order of any court of record, to be granted on the application of said corporation, in a petition verified by the president, and stating the facts, and eight days' notice to the adverse party, and such court shall have jurisdiction for such purpose. Publication of any notice, ordinance or paper for three successive weeks, in any weekly paper published in said village, and the posting of a copy thereof for a like time on the premises to be affected thereby, and in the post-office in said village, and mailing a copy thereof, duly enclosed in a letter addressed to the person to be affected thereby, according to the best information and belief of the clerk of said village, shall in all cases be equivalent to a personal service of notice in writing. Expense incurred by the corporation, in keeping the sidewalk in front of any occupied lot free from snow, pursuant to any ordinance of said board of trustees, after default of the owner or occupant, shall be a like lien and debt, and shall be ascertained and collected in the same manner, and no person in default shall recover any costs against the village, upon the determination of any suit or proceeding in favor of such defaulter, otherwise than upon the merits.

Publication of notice equivalent to personal service in writing.

Expenses for keeping sidewalks clean, to be a lien.

2. Whenever the board of trustees shall have caused any street in the village to be macadamized or paved in the center thereof, to a width equal to one-half of the distance between the curb-stones or outer edge of the sidewalks, at the public expense, they may cause a notice to be published in one or more newspapers printed in said village, at least once in each week, for three weeks successively, requiring the owners of occupied lots on both sides of said streets so macadamized in the center thereof as aforesaid, within a specified time, to lay gutter stones, and macadamize or pave, as shall be required, from the gutter next the sidewalk, to the macadamizing or paving in the center of the street, or that in default thereof, such macadamizing or paving will be done by the corporation, and the expense thereof be assessed upon such owner or owners of the lots adjoining; and if the owners of such lots neglect or refuse to macadamize or pave as aforesaid,

Streets.

within the time limited therefor, the said board of trustees may cause the same to be done, and assess the expense thereof against such lot, or upon the owners thereof, and the same shall be a valid lien and charge upon said lot, and debt against the owner or owners thereof, and may be collected and enforced in all respects like the charges and expenses for sidewalks hereinbefore provided for, and shall be paid into the village treasury.

Collector.

§ 15. Section twenty-seven of said charter is hereby amended by striking out the word "collector," wherever it occurs, and inserting instead thereof the word "treasurer, or person appointed by him;" and by striking out the words "the board of trustees," where they occur after the words "fixed by," and by inserting instead thereof the words "this act."

Ibid.

§ 16. Section twenty-eight of said charter is hereby amended by striking out the word "collector," wherever it occurs, and inserting instead thereof the words "treasurer, or person appointed by him." And the same change shall be made wherever the word "collector," occurs in said charter.

Fire department

§ 17. Section thirty of said charter shall read as follows: The board of trustees are authorized to organize a fire department, to consist of one or more fire companies, one or more hook and ladder companies, one or more hose or axe companies, and a sufficient number of members, not exceeding sixty to each fire company, and twenty to each hose, axe or hook and ladder company, with the consent of the individual so appointed. The president of the village shall have command of the fire department, and shall appoint a chief engineer, and first and second assistant engineers, who shall hold office during his pleasure. The chief engineer shall have the general superintendence of the fire department, subject to the direction of the president and the regulations and by-laws of the corporation in relation thereto. At the fires, the president of the village shall have command of said fire department; but he may devolve any or all of his powers and duties as such upon the chief engineer or his assistants, or either of them; and in the absence of the president of the village, or his inability to serve, by reason of other engagements or otherwise, the chief engineer shall be in command; and in his absence the first assistant

Fires.

shall be in command, and so of the other assistants, according to grade. The president of the village shall also have power to appoint special police constables, who shall have and exercise all the powers and duties of police constables elected, and who shall hold office until dismissed by the president, or by resolution of the board of trustees; and said president or engineer in command shall have power to keep away from the vicinity of any fire all idle or suspicious persons, and compel all officers of said village, and other persons, to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and to enforce such regulations for the prevention or extinguishment of fires, and the preservation of property, as the board of trustees may prescribe; and all persons resisting the legal orders of the president or engineer in command at any fire, or willfully refusing to obey the same, shall be liable to an immediate arrest, without warrant. The board of trustees may remove or suspend any officer or member of any fire, hose, hook and ladder or axe company, for negligence, disobedience of orders or misconduct, after giving him three days' notice to show cause before said board why such removal or suspension should not be made.

Special police constables to be appointed.

Power of removal.

§ 18. Section thirty-one of said charter shall be amended by adding thereto the words: Which vote shall only be taken at a regular annual tax meeting, or at a special meeting convened for the purpose, on the call of the president and all the trustees of the village; and no vote at such special meeting shall be deemed an authority unless it affirmatively appears that taxpayers representing one-half of the taxable real estate of the village owned by resident taxpayers, were present and voted in the affirmative.

Annual tax meeting.

§ 19. Section thirty-six of said charter shall be amended by adding thereto as follows: The president or any trustee may be paid such additional sum, for actual service performed, as the board of trustees shall audit, not exceeding one dollar and fifty cents per day for every day actually (not constructively) spent by him in the necessary business of said corporation, as overseer of highways or otherwise, and which shall appear by his oath, provided said allowance, so audited, shall be separately submitted to the proper village or ward tax meeting,

Pay for services, &c

after such audit and a tax to pay such audit shall be voted. A claim of this character, rejected by one tax meeting, shall not be acted upon by another, except by unanimous consent. No person shall be entitled to maintain any action against the village, for any service rendered or labor performed in any capacity, upon any appointment received while he was such trustee, or for any property sold to the corporation while he was such trustee, nor shall any sum except the per diem hereinbefore mentioned be paid him, except as hereinbefore provided.

§ 20. Section thirty-seven of said charter shall read as follows :

Board of health.

1. The board of trustees shall be the board of health for said village, and they shall appoint each year a competent physician, to be the health officer of said village ; and the president of said village shall be the president thereof.

Duties of.

2. The said board of trustees, as such board of health, in addition to the other powers conferred upon them by this act, shall have all the powers and be subject to all the duties devolved upon boards of health constituted for cities and villages under the general statutes of the state, and the expenses thereof shall be ascertained, audited, certified and paid in the same manner as the expenses of boards of health so constituted under the statute of the state, in such case made and provided.

Nuisance.

3. They shall have power to determine, upon view, or upon testimony of witnesses, whether any place, substance or thing whatever within said village is a nuisance, and to abate the same by causing the same to be removed, or by enforcing the penalty imposed by the ordinances of the village, against the owners, occupants or persons in charge thereof, or otherwise. And they shall not be individually liable to any action, for any act done in good faith in pursuance hereof. They shall have the power to require the removal from the thickly inhabited parts of the village, of all persons having infectious or pestilential diseases ; to direct the keeping and returning of bills of mortality ; and to require every practicing physician within said village, under a penalty of not more than twenty-five dollars for each offense, immediately to report to the president of the village every case of infectious or

pestilential disease within said village of which such physician shall have knowledge. And for the better protection of inhabitants of said village in their persons and property, and of the president of said village in the discharge of the duties imposed upon him, he shall, in all criminal matters within said village, and in all matters arising under the charter and ordinances of said village, have and possess the same powers as a justice of the peace, and as a county judge at chambers, and shall have power to administer oaths, take affidavits, and to take the proof and acknowledgment of deeds executed within said village, and to receive therefor the same fees that are allowed to commissioners of deeds for the same services.

§ 38 amended.

§ 21. Section thirty-eight of said charter shall read as follows: The first election under the charter as hereby amended, and in pursuance thereof, shall take place on the second Tuesday in January next, when the foregoing amendments shall take effect. The board of trustees of said village shall appoint from their own number, or otherwise, two inspectors and one clerk for each ward, to hold said first election. All former acts and parts of acts inconsistent with said charter as amended by this act, are hereby repealed; but the repeal of said acts shall not effect* any proceedings had or commenced prior to said second Tuesday of January next.

Chap. 348.

AN ACT to amend an act entitled "An act to authorize the city of Buffalo to loan its bonds to the Buffalo and Pittsburgh Railroad Company," passed April fifteenth, eighteen hundred and fifty three.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the common council of the city of Buffalo to issue bonds under its corporate seal and the signature of its mayor, or such other officers as the common council may designate, to an amount not

Common council to issue bonds.

* So in original.

exceeding two hundred thousand dollars, and to loan the same to the Buffalo, Bradford and Pittsburgh Railroad Company; the bonds to be issued in sums of not less than one thousand dollars each, and to bear such rate of interest as may be mutually agreed upon by the said common council and the said railroad company, not exceeding seven per cent per annum, payable semi-annually, and the principal redeemable at such time as may be mutually agreed upon by the said common council and the said railroad company, not exceeding twenty years.

§ 2. No portion of the above cited bonds shall be issued or loaned to said railroad company until the following requirements shall have been fully carried into effect:

Bonds not to be loaned until railroad company comply with certain requirements.

1. Satisfactory evidence, to be furnished to the common council of said city, that the right of way for said road has been obtained by said company, from the point of leaving the New York and Erie railroad, in the town of Carrolton, in the county of Cattaraugus, to the village of Marshville, in the town of Lafayette, in the county of McKean and state of Pennsylvania, and at least nineteen miles thereof has been graded or piled, and all necessary bridges and culverts constructed in readiness for the superstructure.

Evidence to be furnished.

2. The like evidence to be furnished that the said company is the owner in fee simple, free from incumbrance, of at least five thousand acres of land, of good quality and reputation as mineral and coal land laying adjacent to to the line of said railroad, in the said county of McKean.

Mortgage to city of Buffalo.

3. To execute to the city of Buffalo its mortgage, which shall be a first lien, to an amount, not exceeding two hundred thousand dollars, on all its real estate, road and appurtenances, to secure the payment of the principal and interest of the bonds of the city herein contemplated to be issued. A contract with satisfactory security to be approved by the mayor, comptroller and treasurer of the city of Buffalo, or any two of them, that the proceeds of such bonds as may be issued under this act shall be applied to the completion and equipment of said railroad between the points before named.

Upon acceptance of mortgage &c., bonds to be issued

§ 3. Upon the production and the acceptance of the evidences contract and the mortgage provided for in the preceding section of this act, to the common council, the mayor of said city, or such other officer or officers as

the said common council may designate, shall execute and deliver to the said Buffalo, Bradford and Pittsburgh Railroad Company, under the limitations herein contained, the bonds of the city as authorized by the first section of this act. The said bonds shall be issued from time to time as the same may be required by the company to meet its liabilities in the construction and equipment of said road, but no issue shall be made at any one time exceeding twenty thousand dollars; and, after the first issue of bonds shall have been delivered to said company, no subsequent issue shall be demanded or authorized, until the company have furnished satisfactory evidence to the common council of said city, that the proceeds of the preceding issue of bonds have been applied to the liquidation of its liabilities for the construction and equipment of said road, or for the procurement of materials therefor; and that no portion thereof, except as hereinafter provided, has been applied or expended for the payment of any debt or liability contracted before the execution of said mortgage, or in payment for any work done or materials furnished for or on account of said railroad prior to the execution of said mortgage, and all the avails of the bonds, by this act authorized to be issued by said city to said railroad company, shall be expended in constructing and equipping said road, or in the payment of the aforesaid liabilities for its construction and equipment, excepting the sum of twenty-five thousand dollars in the aggregate, which may be applied to the payment of liabilities incurred in the construction of said road prior to the execution of said mortgage.

When
bonds may
be issued,
and to what
amount.

Evidence to
be furnished

§ 4. The common council of the city of Buffalo shall, after the first issue of bonds herein authorized, appoint one director of the Buffalo, Bradford and Pittsburgh Railroad Company, who shall be a resident and a freeholder of said city, and when so appointed shall possess all the powers now enjoyed by any member of the board, and he shall hold his office during the pleasure of the common council; and the power of appointment, hereby conferred, shall continue until the mortgage of the company issued to said city shall have been fully paid and satisfied.

One director
to be
appointed.

§ 5. The common council, before exercising the power conferred by the preceding sections, shall order a special

Special
election.

election in the manner prescribed by the charter of said city for the ordering and holding of special elections, to ascertain whether the electors of said city will approve or disapprove of the exercise of said powers, which election shall in all respects be conducted in the same manner as charter elections held for the election of city officers; and all the provisions of law respecting such elections, and the persons voting or offering to vote thereat, shall be applied to such special election. The common council shall provide a box for the inspectors of election in each election district in said city, in which each elector may deposit a ballot, on which shall be written or printed the words "for the railroad loan," or "against the railroad loan." The said box shall be kept open for the reception of ballots in each of the election districts in said city from nine o'clock in the morning until seven o'clock in the evening on the day of such election. On the close of the polls, the inspectors shall immediately proceed to canvass the ballots deposited in the boxes, in the manner now required by law in the election of city officers, and make a certificate thereof, stating the number of ballots cast "for the railroad loan," and the number "against the railroad loan," and within two days thereafter shall file the said certificate in the office of the city clerk. The mayor and city clerk shall immediately proceed to canvass the ballots thus certified and returned, and make their certificate stating the whole number of ballots "for the railroad loan," and "against the railroad loan," and sign and file the said certificate in the office of city clerk, and report the result of said canvass to the common council at the next meeting thereof.

Box to be provided.

Length of time to be kept open.

Mayor and city clerk to canvass.

Act to be published, &c.

§ 6. When the common council shall order an election in pursuance of the foregoing section, they shall at the same meeting order and direct this act to be published three days in each of the daily papers printed and published in the said city of Buffalo, the last publication to be made two days before the day appointed for the holding of such special election.

§ 7. All the provisions of the act entitled "An act to authorize the city of Buffalo to loan its bonds to the Buffalo and Pittsburgh Railroad Company," passed April fifteenth, eighteen hundred and fifty-three, and the act amendatory thereto, passed June eleventh, eighteen hun-

dred and fifty-three, so far as either of said acts authorize the issuing of bonds or the loaning of the same to the said railroad company, are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 349.

AN ACT to amend an act entitled "An act for the regulation and govern* of the Central park in the city of New York," passed April seventeenth, eighteen hundred and fifty-seven, and further to provide for the maintenance and government of said park.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an act entitled "An act for the regulation and government of the Central park in the city of New York," passed April seventeenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

§ 2. The said park shall be under the exclusive control and management of a board of commissioners to consist of not less than seven nor more than eleven persons, who shall be named and styled "The Commissioners of the Central park." A majority of the said commissioners in office for the time being, shall constitute a quorum for the transaction of business, and no action of the board shall be final or binding unless it shall have received the approval of a majority of the said board then in office, whose names shall be recorded in its minutes.

Under control of commissioners of Central park.

SECTION 2. Section three of said act is hereby amended so as to read as follows :

§ 3. The commissioners of the Central park now in office, and such person as shall be appointed to fill the existing vacancy in said board, are hereby continued and constituted the said board of commissioners ; they shall hold their office as such commissioners for five years from the passage of the act hereby amended. No member of said

Commissioners continued, &c.

* So in original.

board shall receive any compensation for his services, except the president or treasurer; but each commissioner shall, nevertheless, be entitled to receive for his personal expenses in visiting and superintending the said park, a sum not exceeding three hundred dollars per annum. In case of a vacancy, the same may be filled by the remaining members of the board for the residue of the term then vacant, and all vacancies occasioned by expirations of terms of office shall be filled by the mayor, by and with the advice and consent of the board of aldermen of the city of New York.

SECTION 3. Section five of said act is hereby amended so as to read as follows:

Misdemeanor.

§ 5. It shall be a misdemeanor for any commissioner to be, directly or indirectly, in any way pecuniarily interested in any contract or work of any kind whatever connected with said park; and it shall be the duty of any commissioner or other person who may have any knowledge or information of the violation of this provision, forthwith to report the same to the mayor of the city of New York, who shall present the facts of the case to any two judges of the supreme court of the first judicial district; such judges shall hear in a summary manner such commissioner in regard thereto, and any evidence he may offer, and if, after such hearing, they shall be satisfied of the truth thereof, and shall so certify to the mayor, he shall immediately remove the commissioner thus offending. Every commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of the state; which oath, when subscribed, shall be filed in the office of the clerk of the city and county of New York.

SECTION 4. Section nine of said act hereby amended is amended so as to read as follows:

§ 9 amended.

Section 9. No plan for the laying out, regulation and government of said park shall be adopted or undertaken by the commissioners, of which the entire expense, when funded, shall require for the payment of the annual interest thereon a greater sum than one hundred and twenty-five thousand dollars per annum.

SECTION 5. Section eleven of said act hereby amended is amended so as to read as follows:

§ 11 amended.

Section 11. For the payment of the interest on the

said stock or fund, the board of supervisors of the city and county of New York shall order* and cause to be raised by tax on the estates, real and personal, subject to taxation according to law within said city and county, and to be collected in addition to the ordinary taxes yearly, and every year until the whole amount of such fund or stock be paid, a sum of money sufficient to pay the interest annually accruing on said stock or fund, not exceeding the aforesaid limitation of one hundred and twenty-five thousand dollars per annum.

SECTION 6. The moneys mentioned in the twelfth section of the said act hereby amended, may be drawn from the bank in which they may be deposited, by warrants, signed by a majority of said commissioners in office, and all receipts and vouchers shall be filed in the office of said board. Moneya.

SECTION 7. None of the said commissioners, nor any person, whether in the employ of said commissioners or otherwise, shall have the power to create any debt, obligation, claim or liability for or on account of said board, or the moneys or property under its control, except with the express authority of said board conferred at a meeting thereof duly convened and held. Debt not to be created.

SECTION 8. Such portions of the act hereby amended as are inconsistent with the provisions of this act are hereby repealed.

SECTION 9. The office of either of said commissioners who shall not attend the meetings of the board for three successive months, after having been duly notified of said meetings, without reasons satisfactory to said board, or without leave of absence from said board, may by said board be declared vacant. Absence of commissioners.

SECTION 10. Real and personal property may be granted, devised, bequeathed or conveyed to the mayor, aldermen and commonalty of the city of New York, for the purposes of the improvement or ornamentation of the Central park in said city, or for the establishment or maintenance, within the limits of said Central park, of museums, zoological or other gardens, collections of natural history, observatories or works of art, upon such trusts and conditions as may be prescribed by the grantors or donors thereof, and agreed to by the said mayor, Real and personal property.

* So in original.

aldermen and commonalty ; and all property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof, shall be subject to the exclusive management, direction and control of the said board of commissioners of the Central park.

SECTION 11. This act shall take effect immediately.

Chap. 350.

AN ACT vesting the control of the piers, booms and dams, on Salmon river, in the commissioners for improving said river.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The care, custody, and control of the piers, booms and dams erected upon Salmon river, under the provisions of chapter one hundred and sixty-three of the Laws of eighteen hundred and fifty-seven, are hereby vested in the commissioners appointed by said act, and their successors in office, which successors, upon the completion of the improvement of said river, shall be appointed by the board of supervisors of the county of Franklin, at their next annual meeting thereafter to be held, and shall hold their offices for the term of three years.

§ 2. Whoever shall in any manner interfere with said piers, booms and dams, or shall hoist any gate in or about said dams, without the consent of said commissioners, or a majority of them, shall, upon conviction, be deemed guilty of a misdemeanor.

§ 3. This act shall take effect immediately.

Chap. 351.

AN ACT to amend an act entitled "An act to provide for the appointment of Commissioners of deeds in the village of Saratoga Springs," passed April seventh, eighteen hundred and fifty-eight.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an act entitled "An act to provide for the appointment of commissioners of deeds in the village of Saratoga Springs," passed April seventh, eighteen hundred and fifty-eight, is hereby amended so as to read as follows :

§ 2 amended

§ 2. The said commissioners of deeds shall be appointed by the trustees of the village of Saratoga Springs, and a certificate of such appointment shall be filed with the clerk of the county of Saratoga, and the oath of office of said commissioners shall be taken before said clerk, and they shall hold their offices for two years, and until others shall be appointed in their places. The said trustees shall have power by appointment in like manner to fill any vacancy or vacancies in said offices respectively, that may occur by the expiration of the term, death, removal from said village, or otherwise.

Commissioners of deeds to be appointed by trustees.

§ 2. This act shall take effect immediately.

Chap. 352.

AN ACT to authorize the trustees of the village of Olean to lay out, open, alter, widen, repair and improve the highways in said village.

Passed April 15, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the village of Olean in the county of Cattaraugus, are authorized and empowered to provide, by resolution of the board of trustees, for the laying out, altering, widening, extending, opening and repairing the highways within the corporation of said village.

§ 2. This act shall take effect immediately.

Chap. 353.

AN ACT to amend the act entitled "An act to prevent the issue of false receipts, and to punish fraudulent transfers of property by warehousemen, wharfingers and others," passed April seven-teenth, eighteen hundred and fifty-eight.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sixth section of the act entitled "An act to prevent the issue of false receipts, and to punish fraudulent transfers of property by warehousemen, wharfingers and others," is hereby amended by adding at the end of said section, the following words: "All the sections of the act hereby amended, shall apply to and be applicable to bills of lading, and to all persons or corporations that shall or may issue bills of lading of any kind or description, the same as if the words 'forwarder and bills of lading,' were mentioned in each and every section of said act."

Chap. 354.

AN ACT to confirm the title to certain real estate to the Hudson Iron Company, and to increase the number of trustees of said company.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Hudson Iron Company are hereby authorized in their corporate name to hold and convey all those certain pieces and lots of land and real estate, situate in the city of Hudson, recently owned by Ambrose L. Jordan, and by him and his wife conveyed to Charles C. Alger, by deed, bearing date on the twenty-fourth day of December, in the year one thousand, eight hundred and fifty-eight; and by Charles C. Alger and wife con-

veyed to the Hudson Iron Company, by deed, bearing date on the first day of January, in the year one thousand, eight hundred and fifty-nine, and the conveyance to said company is hereby confirmed; and for further assurance of title said Hudson Iron Company, in their discretion, may take a future deed of conveyance of said premises, to be executed to them by said Charles C. Alger and wife.

§ 2. The number of trustees of the Hudson Iron Company shall be seven; and the act of said company, in heretofore increasing the number of trustees from five to seven, is hereby confirmed, and all the past acts of such board of trustees shall be deemed of like legal effect as if the number had not been so increased.

§ 3. This act shall take effect immediately.

Chap. 355.

AN ACT to authorize the commissioners of highways of the town of Southport, in the county of Chemung, to lay out a highway on the line between said town and the State of Pennsylvania.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of highways of the town of Southport, in the county of Chemung, are hereby authorized and empowered to lay out, in the manner now provided by law, such highways on the line between the said town of Southport and the state of Pennsylvania, as they shall deem proper, to be of the width of one and a half rods on the side of said line in said town, whenever and wherever the proper authorities of the towns in the said state of Pennsylvania adjoining said town, shall lay out a road on the said line in said state, of the width of one and a half rods in said state, so that the state line shall be the center of said highways.

Vide note.

§ 2. This act shall take effect immediately.

Chap. 356.

AN ACT to amend the charter of the village of Lansingburgh, and the several acts amending the same.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Police
justices, &c.

SECTION 1. All the powers and duties conferred upon two police justices of the village of Lansingburgh, as provided in and by the "act to amend the charter of the village of Lansingburgh, and the several acts amending the same," passed July thirteenth, eighteen hundred and fifty-four (Session Laws of eighteen hundred and fifty-five, page one thousand and eighty-eight), shall be hereafter held and exercised by one police justice only, who shall, as soon as practicable after the passage of this act, and annually thereafter, be selected and designated by the trustees of said village, from among the justices of the peace of the town of Lansingburgh residing in said village. Such police justice shall hold his office for one year, and until his successor shall be duly appointed. The said trustees shall also, at the same time, and in the same manner, select and designate one other of the justices of the peace of the town of Lansingburgh residing in said village, as another police justice for said village, who shall only perform the duties and exercise the powers of such police justice in case of the temporary absence, sickness, or other disability of the police justice first above mentioned. Vacancies in either of said offices shall be supplied in the manner specified in the said act of July thirteenth, eighteen hundred and fifty-four.

Vacancies,
how filled.

Accounts of
police
justices.

§ 2. The accounts of said police justices for criminal services done and performed by them, shall be audited and allowed by the supervisors of the county of Rensselaer, or the town auditors of the town of Lansingburgh, in the same manner as the accounts of other justices of the peace of said county. But the accounts which shall be audited or allowed in favor of such police justices for all their fees and services in criminal cases, in any one year, hereafter arising within said village, and which shall

be chargeable to the town of Lansingburgh, shall not in any case exceed the sums following, to wit: to the police justice first above named, the sum of four hundred dollars; to the police justice secondly above named, the sum of one hundred dollars; and a ratable proportion only, of the sums above named, shall be audited or allowed to either of said police justices for any term of service less than one year. And no account shall be hereafter audited or allowed by any board of supervisors, or other authority, in favor of any other justice of the peace of said town, for any fees or services in criminal cases hereafter arising within said village, and which are, or may become, chargeable to the town of Lansingburgh; nor shall any other justice of the peace of said town be hereafter obliged to render any services in any like criminal cases, except that in case it shall at any time appear, by affidavit made before any other justice of the peace of said town, that both of said police justices are, by reason of sickness or absence from the village, unable to perform their official duties, then such other justice may perform the duties of such police justice, during the continuation of such inability, and receive the fees now allowed by law therefor; and such affidavit shall be annexed to and filed with the account for such fees.

§ 3. The number of police constables to be appointed by the said trustees, as authorized by the sixth section of the said act, passed July thirteenth, eighteen hundred and fifty-four, shall be hereafter limited to two, who shall be appointed as soon as may be after the passage of this act, and shall be selected from the constables of the town of Lansingburgh residing within said village, except in case there shall not be that number residing in said village, who are willing to serve, in which case such selection may be made from any of the qualified electors of said village. The fees of said police constables shall be audited and allowed by the board of supervisors of the county of Rensselaer, or the town auditors of the town of Lansingburgh, in the same manner as the accounts of other constables of said county. But the amount to be audited and allowed to either of said police constables, for all his fees and services in criminal cases in any one year, which shall be chargeable to the town of Lansingburgh, shall in no case exceed the sum of three

Police
constables,
number of.

Fees, &c.

hundred dollars, and a ratable proportion only of that sum for any term of service less than one year; and no account shall be hereafter audited or allowed by any board of supervisors, or other authority, in favor of any other constable, or any deputy sheriff, in said county, for any fees or services in criminal cases, hereafter arising within said village, and which may become chargeable to the town of Lansingburgh; nor shall any such other constable, or any such deputy sheriff, be obliged to render any service in like criminal cases. But any police constable who shall, without just cause, neglect or refuse to execute or serve any lawful precept, delivered to him for service by any police justice of said village, shall be deemed guilty of a misdemeanor, and punished by fine or imprisonment, or both, as the court may see fit.

Duty of
trustees.

§ 4. It shall be the duty of the trustees of said village, as soon as may be after the passage of this act, and on or before the first Monday in April, in each year thereafter, to cause to be made an assessment roll of all the taxable property within the limits of said village; and in making said roll, said trustees shall, in all respects, proceed as the trustees of school districts are required by law to proceed in the making of their tax lists for the apportionment and collection of school taxes within their respective school districts; and the said trustees shall also, at the same time, prepare estimates of all expenditures required for all the ordinary current expenses of said village, including the amount required for highway purposes, of all kinds, within the then current year; and they shall thereupon cause to be apportioned and assessed the amount of their estimates upon all the persons and property named in said roll, in the same manner as school taxes are required by law to be apportioned and assessed upon the assessment rolls prepared by trustees of school districts; and the said trustees shall thereupon cause to be raised upon said roll the amount of their said estimates, in the same manner as road and other village taxes are now required to be raised by law. But the amount so required to be raised shall not in any case exceed, for all such expenditure in any one year, the sum of one mill and three-quarters of a mill upon each dollar of the valuations contained in said roll; and they shall have no power to raise any other tax for road or

other purposes, in any one year, except the tax for watering the streets, or such other special tax as may be authorized by a special meeting of the freeholders and taxable inhabitants of said village, in conformity with law.

§ 5. The word "exclusive," in the first line of the eighth section of the aforesaid act of July thirteenth, eighteen hundred and fifty-four, is hereby annulled and canceled; but all other provisions of said act, except such as are inconsistent with the provisions of this act, are hereby affirmed and declared to be in full force.

§ 6. This act shall take effect immediately.

Chap. 357.

AN ACT to change the name of Hoziel Morey to Hoziel Sample.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the passage of this act, Hoziel Morey, an adopted child of Jacob C. Sample, shall be known and designated by the name of Hoziel Sample.

Chap. 358.

AN ACT to release to Jane Williamson the interest of this state in certain real estate situate in Shawangunk, Ulster county.

Passed April 15, 1859 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest, if any, of the people of this state, acquired by escheat, in and to the real estate of which Robert Williamson died seised or possessed, situated in the town of Shawangunk, Ulster county, are hereby released to Jane Williamson, the widow of the said Robert Williamson, deceased.

§ 2. Nothing in this act shall affect the right of any creditor, purchaser, devisee, mortgagee, or legal heirs of said Robert Williamson, deceased, in and to said real estate or any part thereof.

§ 3. This act shall take effect immediately.

Chap. 359.

AN ACT to amend chapter two hundred and ninety-one of the Laws of eighteen hundred and fifty-eight, entitled "An act to provide for the removal of obstructions from Harlem river and for a free bridge over the same."

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The time for the completion of the free bridge over the Harlem river at Macomb's dam, is hereby extended to two years from the passage of this act.

Bonds to be issued; proceeds, how applied.

§ 2. It shall be lawful for the counties of Westchester and New York to issue bonds to an amount not exceeding ten thousand dollars in each county in addition to the amount heretofore authorized, which bonds shall be received by the commissioners under the provisions of said act, and shall be applied to the purchase of the land and the building of said bridge, and the comptroller of the city of New York shall issue to said commissioners upon their requisition, and the treasurer of the county of Westchester shall also issue to said commissioners upon their requisition, bonds for the amount aforesaid, or for so much thereof as shall be required by said commissioners for the purposes of said act.

Provisions of § 7 to apply.

§ 3. The provisions of the seventh section of said act shall apply to the bonds hereby authorized, and to the payment and redemption of the principal and interest thereof, and to the assessment and collection of taxes therefor in the manner specified in said section; and the said commissioners shall, upon receiving such bonds, give the security provided in the ninth section of said act.

§ 4. This act shall take effect immediately.

Chap. 360.

AN ACT authorizing notaries public of the State of New York to perform the duties now performed by commissioners of deeds.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In addition to their present powers, notaries public of this state are hereby authorized to administer oaths and affirmations, and to take the proof and acknowledgments of deeds, mortgages and any other papers for use or record in this state, in all the cases where the same may now be taken and administered by commissioners of deeds, and under the same rules, regulations and requirements prescribed to commissioners of deeds, and such notaries' acts may be performed without official seal.

Additional powers.

§ 2. This act shall take effect immediately.

Chap. 361.

AN ACT to erect a new town from parts of Denning and Shandaken, in Ulster county.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be erected out of parts of the towns of Denning and Shandaken, in the county of Ulster, a new town to be called the "town of Hardenbergh."

New town erected.

§ 2. The said town shall be bounded as follows:

Boundaries.

Northerly by the line between Delaware and Ulster counties; on the westerly by the Sullivan county line; on the south and east by a line drawn in the following manner: Commencing at the corner of the town of Denning with the Sullivan county line; thence along the line between Denning and Shandaken to the height of

ground between the Neversink and Beaverkill streams, and running on the said height of ground to the head waters of the Beaverkill and Fallbrook, and following the height of ground between the Neversink and Drybrook, around the head of the Drybrook to the south-westerly corner of the Garrison tract, and following said line to the height of ground west of the Big Indian; thence along the height of ground to the Laussatt tract, and thence along the line between the first and second tier of lots, so as to include the westerly tier of lots of said tract, to the Delaware county line, the place of beginning.

Town meeting.

§ 3. The first annual town meeting shall be held on the last Tuesday of May, after the passage of this act, at such place as shall be designated by the county judge of Ulster county, who shall appoint three persons to preside at the town meeting, and a town clerk, filing a notice of said appointments in the office of the county clerk.

§ 4. This act shall take effect immediately.

Chap. 362.

AN ACT to provide for the payment of excise moneys and penalties collected in the town of Newburgh, in the county of Orange, to the commissioners of the alms-house of said town.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Money to be paid to alms-house.

SECTION 1. The commissioners of excise, of the county of Orange, shall, every year, pay to the commissioners of the alms-house of the town of Newburgh, for the support of the poor of said town, all moneys which shall be collected and received by the said commissioners of excise of the county of Orange, for licenses granted to the inhabitants of the town of Newburgh, in said county, under the provisions of "An act to suppress intemperance, and regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and

fifty-seven, after deducting and retaining out of such moneys such ratable proportion of the lawful compensation and expenses of the commissioners of excise of said county, for hearing applications for licenses and granting licenses, and for other expenses incurred officially in said town, under the said act, as the amount of moneys received for licenses under said act, to residents of the town of Newburgh, shall bear to the whole amount of moneys received for licenses granted under said act, in the whole county of Orange, in each year.

§ 2. The commissioners of excise of the county of Orange, at the time of paying over to the commissioners of the alms-house of the said town of Newburgh, as required by the first section of this act, the amount received by them for licenses granted under the said act to suppress intemperance and regulate the sale of intoxicating liquors, in each year, shall deliver to the said the commissioners of the alms-house of the town of Newburgh, a statement setting forth:

Statement
to be deli-
vered, &c.

1. The whole amount received by them in such year for licenses.

2. The amount received by them for licenses granted to residents of the town of Newburgh.

3. The whole amount of their lawful compensation and expenses for such year, in hearing applications for licenses, and granting licenses under said act, in the whole county of Orange; which statement shall be signed and certified to be correct by said commissioners of excise.

SECTION 3. Whenever the commissioners of excise of the county of Orange shall collect and receive any moneys for penalties incurred under the provisions of said act for violations thereof committed in the town of Newburgh, they shall deduct all lawful expenses of collecting such penalties, and pay over the residue thereof to the commissioners of the alms-house of the town of Newburgh, for the support of the poor of said town.

Moneys
collected
for penal-
ties, &c.,
to be paid
over to
alms-house.

SECTION 4. The police justice of the town of Newburgh shall pay over to the said the commissioners of the alms-house of the town of Newburgh all fines he may collect and receive for violations of the said act to "suppress intemperance and regulate the sale of intoxicating liquors."

Police
justice,
duties of.

Certain
moneys to
be paid to
commis-
sioners of
alms house.

SECTION 5. All moneys now in the hands of the county treasurer, for licenses and penalties collected from the town of Newburgh under said act, and all moneys in the hands of the police justice or supervisor of said town, for fines imposed under said act (for intoxication), shall be paid to the said the commissioners of the alms-house of the town of Newburgh.

Fines, &c.,
to whom
paid.

SECTION 6. All fines heretofore imposed, or which may hereafter be imposed, by any court of criminal jurisdiction in the county of Orange, for violations of the said "act to suppress intemperance and to regulate the sale of intoxicating liquors," committed in the town of Newburgh, shall be paid by the district attorney or other officer receiving the same, to the commissioners of the alms-house of the town of Newburgh, for the support of the poor of said town.

Conflicting
provisions
not to apply

SECTION 7. The provisions of the said act to "suppress intemperance and regulate the sale of intoxicating liquors," so far as the same conflicts with the provisions of this act, shall not apply to the county of Orange.

SECTION 8. This act shall take effect immediately.

Chap. 363.

AN ACT to alter the map or plan of the city of New York.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Part of
Seventh
avenue to
be widened.

SECTION 1. All that part of the Seventh avenue, in the city of New York, lying between the southerly side of One Hundredth and Tenth street and the Harlem river, shall be widened on the map or plan of the said city, by adding thereto on each side thereof twenty-five feet, so as to make the whole width of that part of the said avenue one hundred and fifty feet.

Declared
one of the
streets of
the city.

§ 2. The said part of the said Seventh avenue so to be widened is hereby declared to be one of the streets or avenues of the city of New York, in like manner and with the like effect as if the same had been so laid out

by the commissioners appointed in and by the act entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April third, eighteen hundred and seven. The said part of the said avenue shall be laid out and regulated under the supervision of the commissioners of the Central park, but no action shall be taken in relation to said widening until the owners of at least one-half of the front on the said part of the said avenue shall petition the common council for such widening.

§ 3. This act shall take effect immediately.

Chap. 364.

AN ACT to amend the act entitled "An act for the protection and civilization of the St. Regis Indians," passed April 19, 1858.

Passed April 15, 1869; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth sections of the act entitled "An act for the protection and civilization of the St. Regis Indians," passed April 19, 1858, are hereby repealed, and the said act is hereby amended by adding thereto, after the third section of said act, the following sections:

Sections
amended.

§ 4. It shall be the duty of said commissioner to ascertain the number of families belonging to the said St. Regis tribe of Indians, and to collect all moneys due or to become due on any of the lands in said St. Regis reservation, which now are or hereafter shall be leased by said tribe or for their benefit, until the said lands shall be divided or apportioned in the manner hereinafter provided, and to pay over the moneys so collected by him at least once in each year, or oftener in his discretion, to the heads of the families belonging to said tribe, in the manner hereinafter specified for paying their annuities; and the said commissioner shall be entitled

Duty of
commissioners.

to retain five per cent of such moneys for his services in collecting and paying over the same; but if any person entitled to share in the distribution of such moneys, or to share in the distribution of the annuity moneys of said tribe, shall not appear at the time and place appointed for paying over the same, to receive their share thereof, and shall not, within six months thereafter, demand his or her share of such rent or annuity moneys from said commissioner, then the said commissioner is hereby authorized and directed to supply so much of such moneys, not called for by the persons entitled thereto, as he shall deem necessary and proper, to the temporary support or aid of any indigent members of said tribe, deducting a proportionate amount of the moneys so applied by him from the share of each member of said tribe, so remaining in his hands uncalled for, and to pay over only the remaining part of any such share of said moneys to the person entitled thereto, when called for; and if any such moneys shall remain in the hands of said commissioner, uncalled for until within three days of the next day of payment of rent or annuity moneys, said commissioner shall include the same in the apportionment of said rent or annuity moneys, and pay the same over with such rent or annuity moneys.

Survey of
lands.

§ 5. It shall be the duty of said commissioner to cause a survey to be made of all lands in the St. Regis reservation, held as the common property of the said tribe, including all lands in said reservation heretofore leased by said tribe or for their benefit, and with the aid and assistance of his associates, to divide such lands into tracts or lots and distribute the same to and among said Indians according to the best judgment of said commissioner and his associates, as hereinafter provided; and the said tracts or lots so distributed and apportioned shall thereafter be held by the persons to whom they shall be set apart or apportioned, in severalty and in fee simple, according to the laws of this state. There shall, however, be reserved from such apportionment three hundred acres of said lands, which shall be set apart by said commissioner and his associates for school purposes; which land shall be leased or farmed out by such com-

missioner, and the proceeds thereof shall be by him appropriated and expended for educating said Indians.

§ 6. The said commissioner is hereby authorized and empowered to appoint and associate with him, by writing, under his hand, to be filed in the office of the clerk of Franklin county, two competent persons as his associates, one of whom shall be a competent practical surveyor, to aid and assist him in surveying and apportioning said lands, and from time to time to employ the necessary axe men and chain men, to properly make the said survey. And in case any vacancy shall occur in the office of such associates, by resignation or otherwise, to appoint another or other suitable person or persons to the place or places so vacant. And said commissioner is hereby authorized to accept the resignation of any person appointed by him as such his associate.

Commissioner to be appointed.

§ 7. The said commissioner, by and with the advice of his associates, is hereby authorized to accept and receive the surrender of any lease heretofore granted, of any of said lands, or of any portion of any of the land so leased, and to execute and deliver to any person making such surrender of the same or other land of the said tribe, or land partly the same and partly other land, for the same time as the unexpired part of the term of the lease surrendered, and at a yearly rent not less for the same quantity of land than that reserved in the lease surrendered, whenever, in the opinion of such commissioner and his associates, the interest of the tribe or the convenience of division and apportionment will be promoted by such surrender or new leasing.

Leases to be received, &c.

§ 8. The said commissioner is hereby authorized and directed to execute to each of the said Indians to whom any of said lands shall be set apart, a certificate describing the land so set apart, and setting forth that such commissioner, under and by virtue of the provisions of this act, has set apart and apportioned to the person or persons named therein, the land therein described, to have and to hold in severalty and in fee simple, according to the laws of this state; which certificates shall be acknowledged by the said commissioner before the county judge of the county of Franklin, who shall examine the same as to form and manner of execution, and indorse thereon his certificate of acknowledgment and

Commissioner to execute certificate, &c.

approval thereof. And such certificate of the county judge shall authorize such certificate of said commissioner to be recorded as a conveyance by the county clerk of Franklin county, in the record of deeds for said county, and shall authorize such certificate, or the record thereof, or any duly authenticated copy of such record, to be read in evidence in any of the courts of this state, as a conveyance of the land therein described; and every such certificate of the said commissioner, when so executed, acknowledged, approved and recorded, shall have the effect to convey all the interest of said tribe, and of the people of this state, in the lands therein described, to the person or persons named therein; and when any of such land shall have been leased, such certificate shall have effect as a conveyance of the reversionary interest of said tribe, and all interest of the people of this state in said land, and shall authorize the person or persons to whom such certificate shall be made, and his or her heirs, to collect and receive the rents under the lease thereof. But no land thus conveyed to any member of said tribe, nor any interest therein, shall be alienable by the person or persons to whom it is set apart, nor by the heirs of such person or persons, for twenty years after the apportionment thereof, except upon conveyance or lease approved as to its consideration, or the rent reserved by the commissioner for said tribe, and upon consent of the commissioners of the land office, which approval and consent shall be indorsed on such conveyance or lease, before any deed or other instrument shall have any effect to convey any of said lands or any interest. And no such lands shall be subject to any incumbrance or lien, by judgment or mortgage or otherwise, for twenty years after the apportionment thereof, unless the same shall have been conveyed by the person or persons to whom it shall be set apart, or his, her or their heirs, by approval of the commissioner for said tribe, and with consent of the commissioners of the land office, to some person other than a member of said tribe.

Certificates
to be de-
posited
with county
clerk.

§ 9. The said commissioner shall, immediately after his certificates of apportionment have been acknowledged and approved by the county judge, deposit such certificates in the office of the clerk of the county of Franklin

for record; and said county clerk shall be entitled to receive the sum of fifty cents and no more for recording each such certificate, but the county judge shall receive no fee for such acknowledgment and certificate. The said commissioner shall be entitled to retain from the annuity moneys of each and every of said Indians to whom any of said lands shall be set apart, the sum of one dollar, to pay for such certificate and the recording thereof, and such sum shall include all expenses of such certificate and recording the same.

§ 10. It shall be the duty of said commissioner, with the aid of his associates, to ascertain, on or before the first day of August, eighteen hundred and fifty-nine, by taking a census, and from the best information they can obtain, the number of individual members of said St. Regis tribe of American Indians. And each member of the said tribe who shall be living on the first day of October, one thousand eight hundred and fifty-nine, shall be entitled to one equal share of the lands belonging to said tribe, quantity and quality relatively considered, to be apportioned as follows: To each male head of a family as many such shares as there are members of such family, including the father, mother, and minor children of such father, and to each other member of the tribe not included in such families as above defined, one share; but any person who shall receive any share in the apportionment of said lands shall not inherit any interest in any of such lands which shall be set apart to the parent of such person, on account of any minor child or children, when such minor child or children shall be living at the time of the death of the parent, or shall have a child or children living, but such person shall inherit, in common with his or her co-heirs, the share or shares of his or her parents, and the share or shares of any deceased minor child or children who shall not have a child or children then living to inherit such share or shares; and in all other respects the said lands shall descend and be inherited according to the general laws of this state.

Census to
be taken.

§ 11. Married women in the said tribe shall have the same right of dower in the lands of their husbands, and the same rights to hold and dispose of property separate

Married
women,
rights of.

from their husbands, as are or may be possessed by married women under the general laws of this state.

Actions, &c

§ 12. The said commissioner is hereby authorized, in the name of the people of the state of New York, to bring any action or actions for the recovery of any money now due, or to become due, to the said Indians, or to any one or more of them; and also to bring any action or actions for any trespass committed by any person on land possessed or owned by any one or more of said Indians, or for the recovery of the possession or value of any property belonging to said Indians, or to any one or more of them, which has been or hereafter shall be wrongfully detained or converted, and for recovery of damages for any such wrongful detention or conversion upon security for payment of costs of any such action being given to his satisfaction; and all moneys and personal property recovered in any such action shall, after deduction of the costs and expenses thereof, be paid or delivered over to the person or persons for whose benefit such action shall be commenced. The members of the said tribe shall also, after the division and apportionment of the said lands, as herein provided, in their own right and names, be entitled to all the civil remedies as between each other, and as against persons not members of the tribe, for trespasses upon, and injuries to their lands and other property, and to recover possession of the same, or any right or interest therein, and shall have the same rights and remedies for the recovery of rents, and for recovery of possession of demised premises which they would or could possess if citizens of this state.

Roads to be laid out.

§ 13. The said commissioner, with the aid and advice of his associates, shall survey and lay out upon said lands all such roads as shall be necessary for convenience of approach to and departure from the several parcels of land set apart to the members of said tribe, which roads shall be of the width of three rods and shall be included in the apportionment of said lands, and in the description of the several lots of lands lying adjacent thereto or through which they shall run; but such roads shall not be public highways for any other purpose than for ingress and egress to and from the said several lots or parcels of land until the same shall be laid out and

the damages for opening and laying out the same assessed and paid in the manner now prescribed by law for other highways. And whenever any such roads shall be laid out and opened as a public highway, the damages assessed therefor shall be the same as though there had been no such road, and shall be paid to the persons in the description of whose lands such road shall be included, or to their heirs or assigns.

§ 14. It shall be the duty of said commissioner and his associates to make, sign and file in the office of the clerk of the county of Franklin, a map of the said lands as by them surveyed, showing the division of such lands into lots or parcels, and the several roads by said commissioner laid out upon said lands, and to make, sign and file a copy of such map in the office of the state engineer and surveyor.

Map of
lands to be
filed.

§ 15. The said commissioner shall receive the sum of four dollars per day and his necessary expenses, and his first associate who shall be a competent practical surveyor, shall receive the sum of five dollars per day, and his other associate the sum of three dollars per day, for each day actually and necessarily spent in the performance of their respective duties under the provisions of this act, so far as the same relate to a division of said lands.

Compensa-
tion of com-
missioner.

§ 16. It shall be the duty of said commissioner to make a report to the comptroller of this state, annually, on or before the first day of December, in each year, and oftener in his discretion, of all his proceedings under this act. He shall also keep a correct account of the time actually and necessarily spent by him in the performance of his duties, and of the expenses by him incurred in the employment of chain men and axe men, and interpreters and otherwise, also of the time so spent by each of his associates, which account shall be sworn to by said commissioner, and audited by the comptroller of this state, and the sum allowed, together with the percentage allowed, by the third section of the act hereby amended, shall be paid by the treasurer, on the warrant of the comptroller of this state; and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of

Report of
commis-
sioner.

carrying out the provisions of this act and of the act hereby amended, which are not hereby repealed.

Bond, &c.

§ 17. Any such commissioner, before entering on the duties of his office, shall make and execute a bond to the people of this state, with good and sufficient sureties, in a sum not less than five thousand dollars, conditioned that he will faithfully perform the duties of his office, which bond shall be approved by the county judge of the county of Franklin, and filed in the office of the secretary of state.

§ 18. All statutes now in force authorizing the appointment or election of trustees for the said tribe, and all acts, and rules and regulations inconsistent with this act are hereby abolished.

§ 19. No Indian shall be obliged to accept under the provisions of this act the land allotted to him, and all Indians declining to receive certificates for such allotment shall continue as now, to hold their lands in common.

§ 2. This act shall take effect immediately.

Chap. 365.

AN ACT to amend "An act to enforce the responsibility of stockholders in certain Banking Associations," passed April fifth, eighteen hundred and forty-nine.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act amend-
ed.

SECTION 1. Section fourth of the act entitled "An act to enforce the responsibility of stockholders in certain banking corporations and associations, as prescribed by the constitution, and to provide for the prompt payment of demands against such corporations and associations," passed April fifth, eighteen hundred and forty-nine, is hereby amended so as to read as follows :

Name and
residences
of stock-
holders to
be kept in

A book shall be provided and kept by every corporation and association described in the first section of this act, in which shall be entered the names and residences

of the stockholders in such corporation or association on the first day of January, one thousand eight hundred and fifty, and the names and residences of the original stockholders of every corporation or association organized after the day last mentioned, so far as the same are known to the officers of the bank; the number of shares held by each stockholder; every registered transfer of stock upon the books of the bank after the said last mentioned day; the names of the assignor and assignee, with their residences and the number of shares transferred. The said book shall be at all times, during the usual hours of transacting business, open to public inspection. And a refusal by any officer of such corporation or association to exhibit such book to any person demanding the inspection thereof, as herein provided, shall subject the said corporation or association to a penalty of fifty dollars for every such refusal. And every refusal by any such officer having once refused to exhibit such book as aforesaid, is hereby declared to be a misdemeanor, and the officer so offending, upon conviction thereof, shall be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars for every such subsequent refusal, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. The said penalty may be sued for and recovered, with costs, by any person who will prosecute for the same; the one moiety thereof to be paid to such person, and the other moiety to be paid into the treasury of the state. In all proceedings under the provisions of this act, the said book shall be presumptive evidence of the truth of the contents thereof; but such presumption may be repelled by evidence by any party or person interested in repelling the same.

book provided for that purpose.

Book to be kept open for inspection.

Penalty.

§ 2. This act shall take effect immediately.

Chap. 366.

AN ACT to establish an Insurance Department.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby established a separate and distinct department, which shall be charged with the execution of the laws heretofore passed or that may be hereafter passed in relation to insurance.

Name of
office.

Superin-
tendent,
how ap-
pointed.

§ 2. The chief officer of said department shall be denominated the superintendent of the insurance department. He shall be appointed by the governor, by and with the advice of the senate, and shall hold his office for the term of three years. He shall receive an annual salary of two thousand five hundred dollars, to be paid quarterly. He shall employ, from time to time, the necessary clerks to discharge such duty as he shall assign them, whose compensation shall be paid to them monthly on his certificate, and upon the warrant of the comptroller. He shall appoint one of the said clerks to be his deputy, who shall possess the powers and perform the duties attached by law to the office of principal during a vacancy in such office and during the absence or inability of his principal. Within fifteen days from the time of notice of their appointment, respectively, the superintendent and his deputy shall take and subscribe the oath of office prescribed by the constitution and file the same in the office of the secretary of state, and the said officers shall be, in all respects, subject to the provisions of the sixth title of chapter five of the first part of the Revised Statutes, so far as the same may be applicable; and the said superintendent of the insurance department shall give to the people of the state of New York a bond, in the penalty of ten thousand dollars, with two sureties, to be approved of by the comptroller, conditioned for the faithful discharge of the duties of his office; and the said superintendent shall not, either directly or indirectly, be interested in any insurance company.

Powers of

§ 3. The superintendent of the insurance department

shall possess all the powers, perform all the duties, and be subjected to all the obligations and penalties now conferred by law upon the comptroller of this state, or to which the comptroller is subject in relation to insurance companies and the formation thereof, under the laws relating thereto, so that every power and duty thereby conferred on the comptroller, shall, from and after the appointment of such superintendent, be transferred to and conferred upon the said superintendent. In addition to the requirements of the Laws of eighteen hundred and fifty-three, relating to the annual reports relative to insurance, the superintendent shall be required to report the names and compensation of the clerks employed by him, and the whole amount of expenses of the department during the year, such report shall be made by or before the first day of March; and fifteen hundred copies for the use of the superintendent and the usual number of copies for the use of the legislature shall be printed by the printer employed to print legislative documents.

superintendent of
insurance
department

§ 4. The said superintendent, with the approval of Seal. the governor, shall devise a seal, with suitable inscriptions, for his office, a description of which, with a certificate of approval by the governor, shall be filed in the office of the secretary of the state, with an impression thereof, which seal shall thereupon be and become the seal of office of the superintendent of the insurance department, and the same may be renewed whenever necessary. Every certificate, assignment or conveyance executed by the said superintendent in pursuance of any authority conferred on him by law, and sealed with his said seal of office, shall be received as evidence, and may be recorded in the proper recording offices in the same manner and with the like effect as a deed regularly acknowledged or proved before an officer authorized by law to take the proof or acknowledgment of deeds; and all copies of papers in the office of the said superintendent, certified by him and authenticated by the said seal, shall in all cases be evidence equally and in like manner as the original. An impression of said seal directly on paper, shall be as valid as if made on a wafer or wax.

§ 5. All books, papers and documents, securities, stocks, bonds and mortgages, and all other papers

Books,
papers, &c.

whatever in the comptroller's office and in the office of the secretary of state, relating to the business of insurance shall, on demand, be delivered and transferred to the superintendent of the insurance department, and be and remain in his charge and custody.

Room of
superinten-
dent.

§ 6. There shall be assigned to the said superintendent, by the trustees of the state hall, suitable rooms therein for conducting the business of said department, and the said superintendent shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the said business, the expenses of which shall be paid on the certificate of the superintendent and the warrant of the comptroller.

Insurance
companies
to pay, &c.

§ 7. There shall be paid by every company, association, person or persons, or agent, to whom this act shall apply, the following fees towards paying the expenses of executing this act: For filing the declaration now required by law, or the certified copy of a charter also now required, the sum of thirty dollars; for filing the annual statement now required, twenty dollars; for every certificate of agency and copy of statement, three dollars; for every copy of paper filed in his office, the sum of ten cents per folio, and for affixing the seal of said office to such copy, and certifying the same, one dollar. In case the expenses of said department shall exceed the amount of fees collected under this act, and paid into the state treasury (exclusive of the tax upon marine premiums), the excess of such expenses shall be annually assessed by the superintendent pro rata upon all the stock insurance companies of this state; and the said superintendent is hereby empowered to collect such assessments and pay the same into the state treasury.

§ 8. All laws or parts of laws inconsistent with this act are hereby repealed.

§ 9. This act shall take effect on the first day of January next.

Chap. 367.

AN ACT to continue and amend the several acts incorporating the Orphan Asylum Society, in the city of New York.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The estate and concerns of the corporation now existing and known as the Orphan Asylum Society, in the city of New York, shall, from and after the passage of this act, be managed, directed and disposed of by a board of trustees, to be composed of a first directress, second directress, secretary, treasurer, and such number of trustees, not less than seven or more than twenty, as the by-laws of said society may from time to time determine, to be chosen in like manner as the officers and trustees of the said corporation now are by law, and the act entitled "An act to incorporate the Orphan Asylum Society, in the city of New York," is hereby amended so as to conform to the provisions hereof.

Concerns of corporation, how to be managed.

§ 2. The said corporation is hereby authorized to hold, purchase and convey estate, real and personal, to an amount not exceeding two hundred and fifty thousand dollars, subject to the provisions of the several acts incorporating the same.

Real estate.

§ 3. Subject to the provisions and amendments in this act contained, the said act entitled "An act to incorporate the Orphan Asylum Society in the city of New York," together with an act entitled "An act to enlarge the powers of the Orphan Asylum Society in the city of New York," passed February tenth, eighteen hundred and nine, and an act entitled "An act to revive an act entitled 'An act to incorporate the Orphan Asylum Society in the city of New York,' passed April seventh, eighteen hundred and seven," passed April seventeenth, eighteen hundred and twenty-nine, each and every of them, with all provisions therein contained, are hereby extended and continued in full force and virtue, and

Provisions of act extended.

the same shall so extend, be and continue until the tenth day of April, eighteen hundred and eighty.

§ 4. The legislature may at any time alter, amend or repeal this act.

§ 5. This act shall take effect immediately.

Chap. 368.

AN ACT to authorize the rebuilding and maintenance of a bridge over the old feeder of the Champlain canal, in the village of Fort Edward.

Passed April 15, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Bridge to be
constructed

SECTION 1. The canal commissioners are hereby authorized and directed to construct, or cause to be constructed and maintained at the expense of the state, a bridge over the old feeder of the Champlain canal, in the village of Fort Edward, on the site of the old bridge over said feeder, where the road leading from Sandy Hill to Fort Edward crosses said feeder; the expense of which, not exceeding four hundred dollars, shall be paid from any moneys appropriated for repairs upon the Champlain canal.

§ 2. This act shall take effect immediately.

Chap. 369.

AN ACT for the relief of Josiah Blackwell.

Passed April 15, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Money to be
paid to.

SECTION 1. There shall be paid to Josiah Blackwell, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the sum of one thousand six hundred twenty-two dollars and fifty cents, in full of all claims of said Blackwell against the state, for moneys expended by him in the defense of

suits to determine the title to lands patented by the state to him.

§ 2. The comptroller of the state is hereby required to assign, by good and sufficient assignment, sufficient in law, to vest in said Blackwell the title of the state to and in a certain mortgage made to the loan commissioners for loaning the United States deposit fund, by Richard A. Cook and wife, on four lots of land in the city of Brooklyn, to secure the payment of twelve hundred dollars, dated on the twenty-ninth day of July, eighteen hundred and thirty-seven; provided, nevertheless, that no obligation shall be created against the state by reason of such assignment.

Comptroller
or to make
assignment.

§ 3. This act shall take effect immediately.

Chap. 370.

AN ACT authorizing the board of supervisors of the county of Jefferson to levy a tax on the town of Watertown to purchase a site for a new court-house in said village.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Jefferson, either at a special or annual meeting, is hereby authorized to cause to be levied and raised and collected, by tax on the taxable property of the town of Watertown, in said county, in the same manner as other charges and expenses of said town are levied and raised and collected, the sum of four thousand dollars, which sum, when collected, shall be paid over by the collector thereof to the supervisor of the said town, to be by him paid and expended in the purchase of a site for a new court-house to be hereafter erected by the said county in the village of Watertown, or so much thereof as may be necessary for that purpose.

Tax to be
raised, &c.

§ 2. If for any cause the money so raised shall not be needed or expended for the purpose contemplated by the first section of this act, the same shall be paid by

Money not
needed, &c.

the supervisors of the said town to the treasurer of the county of Jefferson and be placed by him to the credit of the town of Watertown, to be drawn out and expended as other funds belonging to said town in defraying the ordinary town expenses and charges.

§ 3. This act shall take effect immediately.

Chap. 371.

AN ACT constituting the town of Sherburne, in the county of Chenango, a single election district.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Single
election
district.

Inspectors
of election
to be de-
signated.

SECTION 1. The town of Sherburne, in the county of Chenango shall hereafter be a single election district.

§ 2. The supervisor, town clerk and assessors, at their regular meeting for election purposes, on the first Monday of October, eighteen hundred and fifty-nine, shall designate two inspectors of election, from the four elected, by the greatest number of votes, at the town meeting held in said town, in March, eighteen hundred and fifty-nine; and shall also designate one inspector of elections, from the two appointed by the board holding such town meeting, or such designation shall be in writing, signed by a majority of such officers, and filed in the office of the clerk of said town.

§ 3. All acts and parts of acts inconsistent with this act, so far as the same relates to said town of Sherburne, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 372.

AN ACT to authorize the American Express Company to dispose of certain real estate.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The American Express Company, a joint stock company organized under the laws of this state, is hereby authorized to make sale and conveyance of the following described property, held and owned by said company, to wit: All that certain lot, piece or parcel of land situate in the fifth ward of the city of New York, by the street number known as one hundred and sixty-four Duane street, and described as follows: Beginning at the southwesterly corner of Duane and Hudson streets, the point formed by the intersection of the southerly line of Duane street and the westerly line of Hudson street, running thence southwardly at or nearly at right angles with Duane street, one hundred and twenty-five feet and ten inches; thence westwardly twenty-two feet and six inches; thence northwardly at or nearly at right angles with Duane street, one hundred and twenty-six feet and two inches, to the southerly line of Duane street; and thence eastwardly along the southerly line of Duane street, twenty-two feet and two inches to the point or place of beginning: being the same premises which were heretofore conveyed to Henry Wells in trust for said company. Such conveyance may be executed by and in the name of the president of such company, with the seal of said company attached; such conveyance shall be of the same force and effect as if executed and acknowledged by the several members of said company.

Company
may sell
and convey
property.

Boundaries

§ 2. This act shall take effect immediately.

Chap. 373.

AN ACT to amend the fifth section of an act entitled "An act in relation to laying out private roads and discontinuing public highways," passed April twelfth, eighteen hundred and fifty-three.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 5 amend-
ed.

SECTION 1. The fifth section of the act entitled "An act in relation to laying out private roads and discontinuing public highways," passed April twelfth, eighteen hundred and fifty-three, is hereby amended so as to read as follows :

§ 5. At such time and place, on due proof of the service of such notice, such commissioners, or in a town where there are more than one, either of them, shall present a list of the names of eighteen persons, residents of said town, and freeholders qualified to act as jurors in courts of record, who are in no wise of kin to such applicant, owner or occupant, or either of them, and not interested in such lands.

§ 2. This act shall take effect immediately.

Chap. 374.

AN ACT granting the peace makers on the Cattaraugus and Allegany reservations exclusive jurisdiction over actions for divorces among the Indians on said reservations, and to hear and determine actions between Indians involving the title to real estate on said reservations.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Exclusive
jurisdiction
to grant
divorces.

SECTION 1. The peace makers of the Allegany and Cattaraugus reservations, in this state, shall have exclusive jurisdiction to grant divorces as between Indians residing

on said reservations, with the right of appeal to the council by any party aggrieved.

§ 2. The said peace makers shall also have exclusive jurisdiction to hear and determine all questions and actions between individual Indians residing on said reservations, involving the title to real estate on said reservations, with the right of appeal to council by any party aggrieved.

To hear and determine differences between Indians.

Chap. 375.

AN ACT to change the name of the Williamsburgh and Cypress Hill Plankroad Company.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of "The Williamsburgh and Cypress Hill Plankroad Company," a corporation organized under the general plankroad law of this state, and running through portions of the counties of Kings and Queens, is hereby changed to the Cypress Hill Macadamized Road, by which name the said corporation shall have all the rights, privileges, powers, duties and liabilities possessed or enjoyed by said corporation under the first mentioned name, or which it would have had if it had been originally incorporated under said last mentioned name, and the road as now used by said company, together with the property, rights and franchises annexed thereto, shall be and continue the property of the last named corporation, notwithstanding any defects or omissions on the part of said first named corporation in the proceedings required under said act for the incorporation thereof; but nothing herein contained shall affect any action now pending in favor of or against said corporation, or any claim against or liability of the said corporation.

Name changed.

§ 2. This act shall take effect immediately.

Chap. 376.

AN ACT to provide for the performance of certain duties imposed upon a canal commissioner in cases where he may be disqualified from acting.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

When commissioner disqualified auditor to act.

SECTION 1. Whenever, from interest, or having been counsel for any claimant of damages against the state, in the matter of such claim, or being related to such claimant, any canal commissioner shall be disqualified from acting in any case where by law any power or duty is imposed upon such commissioner, or the board of canal commissioners, on filing in the office of the auditor of the canal department the certificate of such commissioner, stating his disqualification, the said auditor is authorized, and it shall be his duty to act in the place of such disqualified commissioner, in the matter of such claim.

§ 2. This act shall take effect immediately.

Chap. 377.

AN ACT to legalize the election, classification and official acts of the trustees of the Lima Baptist Church and Society.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Proceedings confirmed.

SECTION 1. The election of three new trustees of the Lima Baptist Church and Society of Lima, in the county of Livingston, and the classification of said trustees with the former trustees of said church and society, is hereby ratified and confirmed, and the said three trustees so elected at the annual meeting of said church and society, in December, eighteen hundred and fifty-eight, are hereby declared trustees of said church and society, together with the three trustees then in office ; they shall severally

hold and occupy their offices according to their present classification.

§ 2. The official acts of said trustees since the term of their election, as aforesaid, are hereby confirmed and declared to be of the same force and effect as though said trustees had been legally elected. Proceedings confirmed.

§ 3. This act shall take effect immediately.

Chap. 378.

AN ACT to incorporate St. Joseph's Asylum, in the city of New York.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The persons hereinafter named, with their associates and successors, are hereby incorporated by the name of "St. Joseph's Asylum, in the city of New York." The objects of said corporation are to support, maintain and educate in useful knowledge and employment, poor orphan, half orphan, homeless and neglected children, especially those of German origin. Style of corporation

§ 2. The corporate powers of said institution shall be exercised by a board of sixteen managers; of whom the rector of the Church of the Most Holy Redeemer, in Third street, in said city, for the time being, shall, ex-officio, be one; the remaining fifteen managers shall be divided into five classes, each consisting of three managers; they shall hold their office for five years and until the election of their successors; three managers in place of those whose term of office may have expired shall be elected in each year, in such manner and at such time as the by-laws may determine; and whenever a vacancy shall occur by death, resignation or otherwise, the board of managers may supply it for the remainder of the term; the said board shall also have power to declare vacant the seat of any member so elected for neglect of duty, or removal from said city, and to supply the same as aforesaid. Corporate powers, &c.

§ 3. The following named persons shall, together with Board of managers.

said rector, compose the first board of managers, viz.: Bernard Amend, Jacob Baerman, Jacob Bittel, Benedict Flamm, Peter Heckman, John Moseback, Peter Palm, Anthony Pecher, Mathew Reichert, George Schmid, Jacob Schonenberger, Jacob Uchlein, Ignaz Vossing, John Weber and Christian Zeigler. They shall be divided into five classes of three each in the order in which their names above occur, and the term of office of said classes shall successively expire at the end of each year.

Members of
corporation

§ 4. All persons of full age, who shall be members of the congregation of the Church of the Most Holy Redeemer, in Third street, in the said city, shall be associates of the said corporation, so long as they shall continue to be members of said congregation, provided they shall have attended public worship in said church for one year, and provided they shall severally pay the sum of one dollar annually for the support of said asylum. The managers shall hereafter be elected by said associates, in such manner and at such time as the by-laws shall determine; and the time and mode of such payments shall also be regulated by the by-laws.

Not dissolv-
ed on neg-
lect to hold
election.

§ 5. Said corporation shall not be dissolved by any failure to make such election as prescribed in the by-laws, but the same may be held at such time and manner as the managers may direct.

Rules, &c.

§ 6. The board of managers may receive and prescribe rules for the admission into the asylum of any child or children, and shall have the custody thereof; and shall have the power, with the consent of the parent or guardian, if any, and if none, then without such consent, to bind out any such child or children to serve as clerk, apprentice or servant in any profession, trade or employment; if a male, until the age of twenty-one years, and if a female, until the age of eighteen years, or for any shorter time.

May take
by gift or
otherwise.

§ 7. The said corporation is hereby authorized and empowered to take by gift, grant, devise or bequest, and hold, mortgage, sell and convey any real or personal estate, but the annual net income thereof shall not exceed the sum of twenty thousand dollars, and the same shall be applied to the purposes for which said corporation is created, and no misnomer of said corporation shall defeat any gift, grant or devise, provided the intent shall suffi-

ciently appear, that any estate or interest was meant to be vested in said corporation.

§ 8. The said corporation shall possess the general powers and be subject to the general restrictions prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

Powers and restrictions.

§ 9. This act shall take effect immediately.

Chap. 379.

AN ACT requiring thirty-six jurors to be drawn for circuit courts in the county of Franklin.

Passed April 15, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The clerk of the county of Franklin shall hereafter draw the names of thirty-six persons, instead of twenty-four, to serve as jurors in any circuit court to be held in said county ; and also such additional number as shall be at any time ordered, according to law.

36 jurors to be drawn.

Chap. 380.

AN ACT for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage, and to prevent fraudulent voting.

Passed April 15, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the city and county of New York shall annually appoint three inspectors for each election district in said city and county, to be known as the board of registry for the election district in which they are appointed, such inspectors to hold their offices for one year, and to be residents and voters in the district in which they are so appointed. The said inspectors so appointed for the city and county of New York, and the inspectors of election in each of the other

Board of registry to be appointed.

To meet annually three weeks before general election

election districts in this state, shall meet annually, on Tuesday, three weeks preceding the general election, at nine o'clock, A. M., at the place designated for holding the poll of said election. and organize themselves as a board for the purposes of registering the names of the legal voters of such district, and for this purpose they shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath of office as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors. The said board shall then proceed to make a list as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election in the election district of which they are inspectors; said list, when completed, shall constitute and be known as the register of electors of said district. The said inspectors, at their first meeting on Tuesday, three weeks preceding their general election, shall have power, if necessary, to sit two days for the purpose of making said list, provided that at the annual election next prior to said meeting, the number of voters in the district of which they are inspectors exceeded four hundred. The said board of supervisors shall assemble on the third Monday of September in each year, at eleven o'clock in the forenoon of that day, at the usual place of meeting of said board, and proceed to ballot for the inspectors provided for in this section, for said city. Each ballot shall designate the number of the election district, and the ward in which the same is situated, and shall contain not more than three names for inspectors as aforesaid, for such district. The three persons receiving the greatest number of votes for each election district, shall be the inspectors of such election district for one year thereafter, and until others are appointed in their places. If, after three ballotings for inspectors for any election district, three such inspectors shall not have been elected therefor, said board shall draw by lot from the six names having the largest number of votes, and not already elected as above provided, a sufficient number of names to make the number of such inspectors three for such election district. Six supervisors shall constitute a quorum for the transaction of the duties aforesaid, in the absence or refusal to attend of the others, or any of them.

Oath to be administered.

List of voters to be made.

To sit two days if necessary.

Supervisors to appoint inspectors.

Ballots, what to contain.

Inspectors.

Quorum.

§ 2. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show in one column the name at full length, and in another column, in cities and incorporated villages, the residence by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each person. It shall be the duty of said inspectors to enter in said lists the names of all persons residing in their election district whose names appear on the poll list kept in said district at the last preceding general election, and in cities, the number of the dwelling and name of street or other location, if the same shall be known to or can be ascertained by such inspectors; and for this purpose said inspectors are authorized to take from the office in which they are filed, the poll lists, made and filed by the inspectors of such district at the general election held next prior to the making of such register. In case a new election district shall be formed, the said inspectors shall enter in the list the names of such persons entitled to vote in the new election district, whose names appear upon the poll list of the last general election kept in the district or districts from which said new election district is formed. The said inspectors shall complete, as far as practicable, the said register on the day of their meeting aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them. Within two days thereafter, the said original list, together with the lists taken from the office as aforesaid, shall be filed by said inspectors in the office of the town clerk of the town in which such election district may be, or if such election district is in a city, in the office of the county clerk in said city, and one copy of said list shall be kept by each of said inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned, for revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same or make copies thereof.

Register,
what to
contain.

New
election.

Original
list to be
filed.

Time and
place of
meeting.

§ 3. The said boards shall meet on the Tuesday of the week preceding the day of the general election, in their respective election districts, at the place designated for holding the polls of election, for the purpose of revising, correcting and completing said lists; and for this purpose in cities they shall meet at eight o'clock in the morning, and remain in session until nine o'clock, P. M., of that day and the day following; and in other districts they shall meet at nine o'clock in the morning and remain in session until seven o'clock, P. M., of that day.

Proceed-
ings to be
open.

§ 4. The proceedings of said board shall be open, and all persons residing and entitled to vote in said district, shall be entitled to be heard by said inspectors in relation to corrections or additions to said register. One of the lists, so kept by said inspectors as aforesaid, shall be used by them on the day or days for making corrections or additions for the purpose of completing the registry for such district.

Names of
non-resi-
dents to be
erased.

§ 5. It shall be the duty of said inspectors, at their meeting for revising and correcting said list, to erase therefrom the name of any person inserted therein who shall be proved by the oath of two legal voters of said district to the satisfaction of said inspectors to be a non-resident of said district or otherwise, not entitled to vote in said district, at the election then next to be held.

Elector may
require his
name to be
recorded.

Any elector residing in said district and entitled to vote therein, may appear before said board of inspectors and require his name to be recorded on said alphabetical list. Any person so requiring his name to be entered on said list shall make the same statement as to the street and number thereof and where he resides, required by the provisions of this act, of persons offering their votes at the election, and shall be subject to the same pains and penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the inspectors or either of them, or by any other elector whose name appears upon said alphabetical list, and the same oaths may be administered by the inspectors, as now provided against persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make oath that would entitle him to vote in case of

May be
challenged.

challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year.

§ 6. After said list shall have been fully completed, the said inspectors shall, within three days thereafter, cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the town clerk of towns, and in cities, in the office of the county clerk of the county, and one of which copies shall be delivered to each of the said inspectors, except in the city and county of New York; one of said copies shall be delivered to each of the inspectors of election of the district in which such registry is made. It shall be the duty of the said inspectors, so receiving such list, carefully to preserve the said list for their use on election day, and to designate one of their number, or one of the clerks, at the opening of the polls, to check the name of every voter voting in such district, whose name is on the register; no vote shall be received at any annual election in this state, unless the name of the person offering to vote be on the said registry made on the Tuesday or Wednesday preceding the election, unless the person offering to vote shall furnish to the board of inspectors his affidavit, giving his reasons for not appearing on the day for correcting the alphabetical list, and prove by the oath of a householder of the district in which he offers his vote that he knows such person to be an inhabitant of the district, and if in any city, giving the residence of such person within said district; and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law.

Four copies
of list to
be made.

Lists to be
preserved.

§ 7. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of inspectors, in making the registry; but such entry is not to be made by them, if the registry contains correctly the name and residence of such voter, and in all cases the said clerk shall enter in a column, opposite the name of each person not registered, the words, "not registered." Every elector, at the time of offering his vote, shall truly state the street

Clerks,
duties of

in which he resides; and if the house, lodging or tenement in which he resides is numbered, the number thereof; and the clerks of the polls shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number, in case the house, lodging or tenement is numbered; and if the same is not numbered, then the clerks shall enter "not numbered" in the column of the poll list for entering the number; in case of refusal to make the statement as aforesaid, the vote of such elector shall not be received. Any person who shall willfully make any false statement in relation thereto, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail of the county, or the city prison of the city where such voter offers to vote, for a period of ten days, or by both such fine and imprisonment.

Poll list and register to be attached together.

§ 8. After the canvass of the votes, the said poll list and said register so kept and checked as aforesaid, shall be attached together, and shall, on the following day, be filed in the town clerk's office, of the town in which said district shall be, and in case the same are in cities, in the county clerk's office, to be used by the inspectors in making the list of voters at the next general election.

Board may appoint clerk.

§ 9. The said board may, if necessary, on the day or days of the making and of the correction of such lists, appoint a clerk to assist them in the discharge of the duties required by this act; and the same oath shall be taken by such clerk as is required by law of clerks of the polls, or of elections.

Registers to be open to public inspection.

§ 10. The registers shall, at all times, be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

Compensation.

§ 11. The members of the board of registration and their clerks, shall each receive the same compensation as is now allowed by law for inspectors of election, for each day actually employed in the making and completion of the registry, to be paid by* them at the time and in the manner in which they are paid their other fees. The necessary blanks, and instructions, and other incidental

* So in original.

expenses, incurred in executing the provisions of this act, shall be provided and paid for in the manner now provided for the payment of incidental expenses of election of the like character.

§ 12. The said board shall have and exercise the same Powers.
powers in preserving order at their meetings, under this act, as are given to inspectors of election for preserving order on election days.

§ 13. Any one of the inspectors may at any authorized Inspectors
may admin-
ister oath.
meeting of the board administer the oath or oaths now required by law to test the qualification of electors, and may also administer, on the day of the making and completion of the list, to any elector of the district who may be offered as a witness to prove the qualification of any person claiming the right to be registered, the following oath: "You do swear, or affirm, that you are an elector of this election district; that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as an elector, of the person now claiming the right to be registered as a voter in this district." And whoever shall willfully swear falsely upon such examination shall be deemed Form of
oath.
guilty of perjury.

§ 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the ward or district where said registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person, in any manner, in either of said acts, shall be punished for each and every offense by imprisonment in the state prison for not less than one year. All false swearing before said board of registration shall be deemed willful and corrupt perjury, and on conviction punished as such. If any member or officer of said board shall willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the state prison for not less than one year. False
swearing,
&c., to be
punished.

§ 15. The same list required to be made and perfected at general elections shall in the same manner be made and perfected by the inspectors at all elections for char- Charter
elections.

ter officers in the several cities of this state, and the provisions and requirements of this act, so far as the same may be, are made applicable to such elections.

To be
printed.

§ 16. The secretary of state shall cause this law to be printed, and a sufficient number of copies thereof sent to the county clerks of the several counties, to supply each of the officers named in this act, with a copy; and it shall be the duty of said county clerks immediately to transmit a copy of the same to each of the inspectors of election in this* county.

§ 17. This act shall take effect immediately.

Chap. 381.

AN ACT for the relief of the New York State Inebriate Asylum, and for other purposes.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Money to be
paid to state
inebriate
asylum.

SECTION 1. The treasurer of each and every county of this state, shall pay to the treasurer of the New York State Inebriate Asylum, or his order, on the first Monday of July of each year, ten per cent of all the moneys received by said county treasurer, from the board of commissioners of excise in and for said county.

Site for
building
asylum.

§ 2. The land situated in Binghamton, in the county of Broome, selected by the trustees of said asylum for the site of the asylum buildings, shall be the site thereof, and the acts of the trustees in selecting and fixing said site are hereby confirmed.

Moneys to
be expend-
ed in com-
pleting
asylum.

§ 3. The trustees of said asylum shall expend the said moneys in completing the asylum building commenced on said land, and such other buildings and improvements as shall be required for the comfort and convenience of the patients.

Bond,
sureties of,
to be ap-
proved.

§ 4. The treasurer of said asylum shall not receive any of said moneys until after he shall have given a bond, with at least two sufficient sureties, to the New York State Inebriate Asylum, in such penalty and upon such

* So in original.

condition as the board of trustees, at a monthly meeting thereof, shall fix by resolution, and the sufficiency of such sureties shall be approved of by the president or vice-president of said board.

§ 5. Reuben H. Walworth, John W. Francis, William T. McCoun, James Boorman, James S. Wadsworth, Daniel S. Dickinson, Washington Hunt, Charles H. Rugles, Charles Cook, Josiah B. Williams, Hamilton Murray, Edward A. Lambert, William E. Dodge, Jonathan H. Ransom, Jacob S. Miller, Thomas C. Brinsmade, Thomas W. Olcott, John F. Rathbone, Ransom Balcom, Sherman D. Phelps, Vincent Whitney, Allan Munroe, H. P. Alexander, Joseph Mullen, C. P. Wood, Noah Worrall, Franklin Johnson, George Folsom, Charles Butler, Lorenzo Draper, Edward F. Shonnard, Gerrit Smith, John Conklin, Frederick Juliand, Tracy Beadle, Peter S. Danforth, George W. Tift, Henry A. Brewster, Charles Doolittle and J. Edward Turner, shall constitute the board of trustees of this institution. Any vacancy that may hereafter occur in the board of trustees of said institution shall be filled by the remaining trustees at any meeting duly called for that purpose.

Board of trustees.

§ 6. The senate, upon recommendation of the governor, for cause to be specified, may remove any trustee of said asylum.

Senate may remove trustees.

§ 7. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 382.

AN ACT to provide for the erection of a tomb and monument for the American prisoners who died on board of the prison ships in the Wallabout bay.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Brooklyn are hereby authorized to erect upon Washington park, in said city, formerly known as Fort Greene, a tomb for the interment therein of the remains of the American

Tomb to be erected.

prisoners who died on board of the British prison ships in the Wallabout bay, during the war of the American revolution, and which remains were afterwards collected and are now deposited in a vault adjacent to Hudson avenue in said city, and to erect over such tomb, a monument with suitable inscriptions thereon, and to protect, ornament, secure and repair the same.

Treasurer,
duty of.

§ 2. The treasurer of said city is authorized and required to receive and safely keep and hold, for the use of the said common council for the purposes named in the first section of this act, any sums of money donated by any persons or association, to aid in the erection of such tomb and monument, and the official bond of such treasurer shall apply to the moneys so received by him. The said treasurer may advertise in the corporation newspapers of said city, for the space of three months, that he is ready to receive donations and contributions for the purpose aforesaid. The moneys received under this section shall be deposited or invested in the same manner as other public moneys of said city, but shall be sacredly held and kept for the purposes required by this act, and separate from all other funds.

Plans, &c.,
to be pro-
vided.

§ 3. The said common council may procure plans and specifications for said tomb monument, and advertise for proposals for the erection of the same, and when the sum of ten thousand dollars shall have been contributed shall award the contract to the lowest bidder, who shall give the security required by said corporation for the proper execution of the work, agreeably to such contract, plans and specifications, and shall apply in payment of the sum fixed by such contract for the execution of said work, all sums of money which shall be received by the treasurer of said city as donations and contributions therefor; and any deficiency which may exist after deducting the amount of such donations and contributions from the amount required to pay for the erection of said tomb and monument and the other expenses incident thereto, shall be laid, imposed and collected with, and in the same manner, as other taxes are laid, imposed and collected in said city; provided, however, that such tax shall not, in any event, exceed the sum of ten thousand dollars.

§ 4. This act shall take effect immediately.

Chap. 383.

AN ACT to provide the means to support the government.

Passed April 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be imposed, for the fiscal year, commencing on the first day of October, one thousand eight hundred and fifty-nine, a state tax of one mill and one-eighth of a mill on each dollar of the valuation of real and personal property taxable in this state, to be assessed, raised and collected upon and by the annual assessment and collection of taxes for the said fiscal year, in the manner now prescribed by law, to be paid by the county treasurers respectively, into the treasury of this state, and to be held by the treasurer thereof for the following purposes, that is to say : The whole amount of the proceeds of said tax shall be held, paid and applied to and for the uses of the general fund, and for the payment of such claims and demands as may be a charge thereon.

One mill and one-eighth of a mill tax to be imposed.

How applied.

Chap. 384.

AN ACT to increase the capital stock of the Albany and Susquehanna Railroad Company, and to regulate the manner and payment of town subscriptions to the stock of the said company.

Passed April 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The capital stock of the Albany and Susquehanna Railroad Company, is hereby increased to four millions of dollars.

Capital stock increased.

§ 2. Any town now authorized to subscribe to the capital stock of said company, whenever the proofs shall have been filed in the clerk's office, of the consent, in

Towns may subscribe, on written consent of taxpayers.

writing, of a majority of the taxpayers, their heirs or legal representatives, representing a majority of the taxable property of said town, in pursuance of an act passed March thirty-first, eighteen hundred and fifty-six, as amended April fourteenth, eighteen hundred and fifty-seven, authorizing a subscription, by the commissioners, in the corporate name of said town, to the capital stock of said company; such subscription shall be made by the commissioner or commissioners, for the amount the taxpayers shall consent, not exceeding the sum of one hundred thousand dollars, in the same manner as individual subscribers; and the said commissioner or commissioners are hereby authorized and required to issue the bonds authorized by said act, in payment at par of the stock so subscribed, in installments, as required in cases of individual subscribers.

Bonds not
to be sold by
the compa-
ny for less
than par.

§ 3. All bonds, so received in payment of stock, shall not be sold by the company for less than par; and the proceeds thereof shall be applied and used in the construction of said railroad, and its buildings and necessary appurtenances, and to no other purpose whatever; and (except the first ten per cent of said bonds) the proceeds of the bonds of the towns, west of the town of Oneonta, shall be used in the construction, buildings and necessary appurtenances of said railroad, in and through the several towns through which the same is located; and in case of towns subscribing for stock, through which the road shall not be located, the proceeds of the bonds shall be used in the construction, buildings and necessary appurtenances of the road through the county in which the said town is situated, to the extent required to complete the same through such county.

Sinking
fund to be
invested.

§ 4. The amount received by said commissioners as a sinking fund to pay the said bonds, in pursuance of section eight of the said act, passed March thirty-first, eighteen hundred and fifty-six, as amended April fourteenth, eighteen hundred and fifty-seven, shall be invested and used by them in the purchase of the said bonds of their several towns; and in case such bonds cannot be obtained, then in the bonds of this state, or of any city, village or town thereof, bearing an annual interest of seven per cent, or which shall be made equal to that, to become

due in time to pay the bonds of such town, which the said fund is provided to pay.

§ 5. In case any commissioner, under the said act, passed March thirty-first, eighteen hundred and fifty-six, as amended April fourteenth, eighteen hundred and fifty-seven, shall refuse or willfully neglect to perform any part of the duties specified therein, or required by this act, his office shall thereupon become vacant, and, upon proof of the fact to the satisfaction of the county judge of the county wherein such commissioner shall reside, he shall appoint some other person to fill his place, in the manner now provided by law. And in case any commissioner shall change his residence to some place out of the town where he resided at the time of his appointment or election, his office shall thereupon become vacant, and some other person shall, in like manner, be appointed to fill his place.

Neglect or refusal of commissioner.

Change of residence.

§ 6. All bonds issued by the commissioners of the several towns shall be valid and binding upon the town represented by such commissioner or commissioners, in the hands of bona fide holders or owners thereof; and in case of any error, fraud, or willful violation of duty, on the part of any commissioner in the issue of such bonds, the town shall have redress for the injury against such commissioner or commissioners of the town, or upon his or their official bonds, to the extent provided therein; but no commissioner shall be held personally liable, where he shall act in good faith, in the discharge of his official duties.

Bonds issued by towns.

§ 7. In case a majority of the resident taxpayers, their heirs or legal representatives, have consented or shall consent in the manner provided in said act, residing within any such town, representing a majority of the taxable property owned by, or taxed to resident taxpayers of said town, the said commissioner or commissioners shall make a subscription to the stock of said company, for the amount the taxpayers have consented or shall consent, and issue the bonds of the town, in the manner and for the purposes now provided by said act.

May make subscription to stock on consent of taxpayers.

§ 8. This act shall take effect immediately.

Chap. 385.

AN ACT to amend an act entitled "An act in relation to sewerage and drainage in the city of Brooklyn," passed April fifteen, eighteen hundred and fifty-seven.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
water com-
missioners
to be, ex
officio,
board of
sewer com-
missioners.

SECTION 1. The board of water commissioners created by the act entitled "an act to provide for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, until the appointment of a permanent board of water commissioners, and after such appointment is fully completed and such board is organized, then such board of permanent water commissioners for the time being, shall at all times hereafter be, ex officio, the board of sewer commissioners for the city of Brooklyn.

Sewer com-
missioners.

§ 2. The board of sewer commissioners shall have the exclusive control, superintendence and management of all sewers constructed or to be constructed in the said city. The current cost of altering, repairing and cleaning sewers, and all incidental expenses of management, shall be estimated by the said board and be included in the amount to be raised by annual tax, pursuant to section three of the act entitled "An act in relation to sewerage and drainage in the city of Brooklyn," passed April fifteenth, eighteen hundred and fifty-seven, hereby amended.

Land, how
to be ac-
quired.

§ 3. The said board may take the like proceedings which the water commissioners of the said city are now authorized to take, to acquire land and interest therein for the construction and maintenance of sewers, where such sewer is proposed to be run through lands which are not part of a public street or place. The costs and expenses incident thereto shall be assessed as a part of the cost of constructing sewers, and upon such part of a sewer district as the said commissioners may designate as benefited thereby.

Sewer
districts.

§ 4. The said board of sewer commissioners shall pro-

ceed to lay out the said city into as many sewer districts as may be required in view of the effectual drainage of said city ; each of said districts to consist of a main or principal sewer, having its outlet in the river or bay, or other proper place of outlet, and of all branches of such main sewer and the collateral or inferior sewers running into such main or principal sewer ; and the said districts shall each be so arranged as to be independent of each other as far as may be, and when such districts are arranged, notice of the same shall be advertised for correction and review, as provided in the fourth section of the act hereby amended. After such districts shall have been finally arranged and approved, and the plans thereof duly filed in the manner provided in the said fourth section of the act hereby amended, the said commissioners may proceed, after the lapse of sixty days, to advertise for proposals for the construction of any part of the work required to be done in such sewer district.

Such advertisement shall be made in the corporation newspapers of said city, for thirty days, and the work so advertised shall be awarded to the lowest bidder, who will give good and sufficient security, as required by said commissioners for the faithful execution of such work, and the furnishing of the required and sufficient material therefor. During the sixty days after the filing of such plan as required by this act, the mayor of said city, upon the application of a majority of the owners of land within such sewer district, may prohibit the said commissioners from proceeding with the construction of the whole or any part of the sewers in such sewer district ; and thereupon all power on the part of said commissioners to proceed with the construction of the sewer or sewers specified in such prohibition shall cease and determine until such prohibition shall be withdrawn.

The said commissioners shall in no case proceed with the construction of any sewer, except upon the advertisement for proposals for the construction of the same as herein provided.

§ 5. Mistakes in any assessment list for sewers, and subsequent proceedings thereon, in the designation of any land or owner therein assessed, shall not vitiate the assessment ; provided the said board, before proceeding to a sale to collect such assessment, shall, on a notice of

To advertise 30 days.

Mayor may prohibit the commissioners from proceeding in certain cases.

Mistakes not to vitiate the assessment.

ten days, served upon or at the residence or place of business of the owner or legal representative, and published daily in the corporation newspapers of said city, correct such mistakes; and they are hereby authorized upon such notice to make such correction, and where any assessment is void for any defect or irregularity, the owner and property affected may be reassessed for such improvement, in the mode and with the effect prescribed for the original assessment authorized for the construction of sewers.

Official
maps, &c.,
to be used
for refer-
ence.

§ 6. The said board of sewer commissioners shall use and refer to the regular official ward maps for the description of lands to be assessed for the cost of making any sewer; and it shall be a sufficient description of any lands in the proceedings for such assessment to give the name or number of the ward and the number of the lot so assessed as appearing upon the ward map; together with the name of the street or avenue upon which it is situate, and also the street number where known, and stating also upon which side of the street such lot is, and the names of the next adjacent streets, avenues or places which intersect the street upon which said lot is situate and form the block. Before any assessment laid for the construction of sewers shall be finally certified by the said board to the common council to be complete, they shall carefully examine, correct and perfect the same, and no other certificate shall be necessary to authorize the common council to issue a warrant for the collection of the assessments. All legal proceedings, authorized or required by this act, shall be conducted by or under the direction of the corporation counsel of the city of Brooklyn, and no compensation shall be paid to him therefor.

Money may
be borrow-
ed.

SECTION 7. To meet such cash outlay in the construction of sewers (in anticipation of the collection of assessments), as the said board may deem necessary, the mayor, comptroller and clerk of the said city shall, on the requisition of the said board, and from time to time, as so required, borrow such sums, not to exceed five hundred thousand dollars outstanding at any one time, upon the bonds of the said city, which they are hereby authorized to issue for that purpose, bearing interest not to exceed six per cent, and payable in not more than three years

Interest not
to exceed
six per

from their respective dates. The proceeds of such bonds shall be paid to the city treasurer, to the credit of the said board, who shall draw therefor in the usual manner and as may be required for the said purposes.

SECTION 8. The principal and interest of the said bonds shall be paid out of the assessments for constructing sewers, authorized by the act hereby amended. Any estimated deficiency in the moneys collected upon such assessments, to meet the accruing interest upon and ultimately to pay the principal of the said bonds, shall be included in the taxes authorized by section three of the said act.

Principal and interest to be paid from assessments.

SECTION 9. The said board may prescribe regulations for the use of the said sewers; may license persons to open the same, and may prescribe a fee for opening and making a connection with any sewer, to be paid to the said board, and by them to be paid to the treasurer of the said city to the credit of the sewer fund.

Regulations licenses, &c

§ 10. Two and one-half per cent for collection fees shall be added to and included in the sum to be apportioned and assessed for the costs of constructing sewers; which percentage shall be deducted by the collector from all assessments paid within thirty days from the time when the same shall be payable, and the same percentage shall be added to such assessments and collected for default, which are authorized by law to be added to and collected for defaults in the cases of other local assessments in the said city. All such additions for collection fees and defaults shall, together with said assessments, when collected, be paid daily to the treasurer of the said city, to the credit of the sewer fund, and shall not be diverted therefrom.

Collection fees.

Moneys to be paid to city treasurer.

§ 11. All provisions of law, creating civil and criminal liabilities for wrongs and injuries done to the Brooklyn water works, shall apply in like manner and extend to wrongs and injuries done to sewers in the said city; and the said board shall have the like powers to maintain actions and proceedings in the courts, in respect to sewers and all matters relating thereto, which the board of water commissioners have in respect of the water works and all matters relating thereto.

Provisions of law to apply.

§ 12. All acts and parts of acts inconsistent with this act are hereby repealed, but nothing in this act shall

Inconsistent acts repealed.

affect any proceedings or contract of said commissioners heretofore had or made for the construction of any sewer in said city.

§ 13. This act shall take effect immediately.

Chap. 386.

AN ACT requiring county treasurers to file in the county clerk's office a report of the moneys and securities in their hands belonging to infants.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

County treasurers to file report in county clerk's office.

SECTION 1. The county treasurer of every county in this state shall, within ten days after the first day of July of each and every year, make and file in the county clerk's office of the county in which he resides, a report, which shall contain a statement of all moneys or securities in his hands belonging to infants or to other persons; for whom invested; how invested, with a particular description of the securities belonging to each infant, containing a statement of the amount due thereon for principal and of the amount due thereon for interest, with a particular statement of his account as to each infant, up to the first day of July preceding the date of said report; the amount of fees charged by him; the amount in his hands invested and uninvested, and to whom the same belong; and if he has in his hands any moneys not invested the said report shall state the amount thereof; the length of time the same has been in his hands uninvested and the reasons why the same has not been invested; the said report shall also state whether the moneys in his hands uninvested is for principal or interest, and the length of time any principal sum shall have remained in his hands uninvested during the year preceding the date of said report; which report shall be verified by the oath of the county treasurer to be in all respects true.

§ 2. The official bonds of any county treasurer executed after the passage of this act, shall be held to apply to all the moneys and securities mentioned in the first

section of this act, and the supervisors of any county may require such new or additional security at any time for the safe keeping and application of such moneys and securities as they may deem proper. In case any county treasurer shall neglect to file his report as required in the first section of this act, he shall forfeit the sum of five hundred dollars to the people of the state of New York, for the use of the poor of the county.

§ 3. The time for the making and filing of the report required by the first section of this act may be extended twenty days, by a justice of the supreme court, upon good cause shown, but no order shall be made enlarging the time for the filing of such report unless notice of the application for such order shall have been served upon the district attorney of the county, and proof of such service furnished to the justice making the order; and no order enlarging the time for the making of such report shall be of any force or effect until the order shall have been entered on the book kept for the entry of orders made by the supreme court and the original order, signed by the justice, with the papers upon which the same was granted, shall have been filed in the clerk's office of the county.

Time for making and filing report may be extended.

§ 4. In case the county treasurer shall not file his report as specified in this act, it shall be the duty of the district attorney of the county to bring an action in any court having cognizance thereof, in the name of the people of the state of New York, against such county treasurer, to recover the penalty provided for in the second section of this act.

County treasurer to file report.

Chap. 387.

AN ACT to extend the charter of the New York and Harlem Railroad Company, and to determine the mode of using the same in the streets of New York.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May lay
double
track.

SECTION 1. The New York and Harlem Railroad Company are hereby authorized, pursuant to the ordinance of the mayor, aldermen and commonalty of the city of New York, passed December twenty-seventh, eighteen hundred and fifty-eight, and approved December thirty-first, eighteen hundred and fifty-eight, to lay down a double track or railway from their track in the Fourth avenue, at Forty-second street, up said street to Madison avenue, and up Madison avenue to Seventy-ninth street, for the use of their small cars only.

May use
steam in
certain
places.

§ 2. The New York and Harlem Railroad Company is hereby authorized, empowered and permitted to use steam in the drawing of their passenger and freight cars, upon their railroad on the Fourth avenue, to and from the northern extremity of Manhattan or New York island, to the south side of Forty-second street, in said city, with turnouts to their engine-houses, respectively, for a period of thirty years from the thirty-first day of December, eighteen hundred and fifty-eight.

Rights and
privileges
extended.

§ 3. All the rights, privileges and franchises given and granted to the New York and Harlem Railroad Company, in and by their act of incorporation, passed April twenty-fifth, eighteen hundred and thirty-one, and the several acts amending the same, subject to all the restrictions imposed by said several acts, except as herein modified, are hereby extended for the term of thirty years from the passage of this act. Nothing in this act shall be construed to prevent the legislature at any future time from rescinding, altering or amending this act, or the privileges hereby granted.

§ 4. This act shall take effect immediately.

Chap. 388.

AN ACT to make corporations in the city of Buffalo taxable the same as corporations in other cities and counties of the state.

Passed April 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Incorporated companies in the city of Buffalo, and which have the principal office for the transaction of their business located in that city, shall be taxable in such city, under and according to the provisions of the act, chapter four hundred and fifty-six, Laws of eighteen hundred and fifty-seven, entitled "An act in relation to the assessment of taxes on incorporated companies."

Incorporated companies may be taxed.

§ 2. The assessment rolls of said city, with reference to the assessment and taxation of such incorporated companies, shall be made out according to the provisions of the said act.

§ 3. All acts and parts of acts inconsistent herewith, are to that extent repealed.

§ 4. This act shall take effect immediately.

Chap. 389.

AN ACT to reduce the fees of the county clerk of Erie county, and for other purposes.

Passed April 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the time when this act shall take effect, the clerk of the county of Erie shall be entitled to charge and receive for recording all deeds, mortgages, sheriff's certificates and other instruments, authorized by law to be recorded in said office, the sum of five cents for each folio ; and for filing each bond or undertaking, and entering the same, the sum of ten cents.

County clerk may charge for recording deeds, &c.

§ 2. The clerk shall receive and retain to his own use, all fees received by or paid to him as such clerk.

§ 3. The law entitled "An act to make the clerk's office of Erie county a salary office," passed March twenty-first, eighteen hundred and forty-nine, is hereby repealed.

Chap. 390.

AN ACT in relation to the auditing of accounts by the board of supervisors of the county of Montgomery, and the duties of certain officers of said county in connection therewith.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Box to be
provided
to hold ac-
counts, &c.

SECTION 1. The supervisors of the county of Montgomery, by their clerk, shall provide a box with a suitable inscription thereon, and with an opening in the top, to be kept in the office of the clerk of said county, and in his charge, under lock and key, in which shall be deposited by said clerk, all accounts and claims against said county; and it shall be the duty of said clerk to receive said accounts and claims, and to indorse thereon the name of the claimant, the amount of the claim, and the time of depositing the same, and his signature, and to deposit the same in said box; and on the morning of the second day of the annual meeting of the board of supervisors of said county, the clerk of said board shall take from said box, before the transaction of any other business, all bills and accounts against said county, which he shall then file and number, according to the provision of the third section of this act, from one upwards, as having been deposited with him on that day; and it shall not be lawful for the said board of supervisors, in any one year, to audit, as against said county, any other bill or account than such as shall be found by the clerk of said board, in said box, on the morning of said second day of said annual meeting of that year, except bills for the service of the supervisors and clerks.

§ 2. The clerk of the board of supervisors shall annually give notice, in all the newspapers published in the county of Montgomery, of the time of holding the annual meeting of said board in each year, to be inserted in said papers at least once in each week, for four weeks previous to such meeting, and requiring all persons having bills or accounts against the said county, to deposit the same with the county clerk, duly verified, on or before the first day of the next annual meeting of said board, and in default thereof, that such bill or account will not be audited by said annual meeting.

Duty of clerk of board of supervisors.

§ 3. No bill or account against said county exceeding twenty-five dollars in amount, shall be audited by said board of supervisors, excepting by an affirmative vote of a majority of all the supervisors elected for said county. The question on the allowance shall be taken *ayes and noes, and the names of the members voting for or against the allowance of each claim, shall be recorded in the minutes of the clerk; and all bills and accounts presented in the name or for the benefit of any one person for audit in any one year, shall be attached together and be numbered, and be deemed one bill or account for the purposes specified in this section.

Bills to be audited.

§ 4. It shall be the duty of the clerk of said board of supervisors to indorse on every bill or account, audited as aforesaid, the word "audited," the number of the bill, the amount for which the same was audited, and the date of the audit, which indorsement shall be signed by the chairman and the clerk of the said board of supervisors.

Duty of clerk.

§ 5. It shall be the duty of the clerk of the said board of supervisors hereafter to number each county check issued by him on the county treasurer of said county, with the same number, and to be for the same amount, and to the same person as the bill or account audited was for which said check was issued, and to deliver over to said county treasurer, immediately upon the adjournment of said board of supervisors, all bills and accounts audited by said board, and take a receipt from the said treasurer, of all the said bills and accounts so delivered over to him, stating the number and amount of each bill or account, and the name of the person in whose favor such bill or account was made out and audited, and shall deliver said receipt, immediately thereafter, to the county clerk of

Ibid.

* So in original.

Montgomery county, whose duty it shall be forthwith, to record said receipt in a book to be provided and kept in his office for that purpose, and the said clerk of the board of supervisors, shall not be authorized to issue any check till after the adjournment of the said board.

Duty of
county
treasurer.

§ 6. It shall be the duty of the said county treasurer to file and keep all bills and accounts delivered as aforesaid to him, by the clerk of the said board of supervisors; and no such bill or account, after being delivered over to the county treasurer as aforesaid, shall be withdrawn from the custody of said treasurer for any purpose whatever, except to be used as evidence upon a judicial trial or proceeding, and in such case it shall, after being so used, be forthwith returned to the custody of said treasurer; but it shall be the duty of the county treasurer to furnish any person or persons desiring it with a certified copy of all or any of the bills or accounts on file in his office, upon said person or persons paying to said treasurer for the same, the same fees per folio as is now allowed by law to the county clerk of Montgomery county, for a certified copy of a deed or record.

County
treasurer
not to pay
certain bills

§ 7. The county treasurer shall not be authorized to pay any county check issued as aforesaid, by the clerk of the said board of supervisors, unless the bill or account for which said check was issued be on file in his office, and corresponding in name, number and amount with that of the check.

Classifica-
tion of
claims.

§ 8. The clerk of the board of supervisors of said county shall, in preparing the proceedings of said board for publication, classify the claims and accounts audited by said board by towns, showing the town from which said claim or account was presented, and the amount and general nature of said account or claim, as presented, and also to foot up and give the amount of the claims and accounts audited from each town, and the aggregate of all the claims and accounts audited by said board against the county.

Neglect of
duty.

§ 9. Any of the officers herein named, who shall neglect any of the duties required of him by this act, shall be guilty of a misdemeanor, and on conviction thereof he shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

§ 10. So much of all acts and parts of acts as are inconsistent with the provisions of this act are hereby repealed, so far as they relate to the county of Montgomery.

Chap. 391.

AN ACT to amend the act entitled "An act concerning the Watervliet Turnpike Company," passed April twenty-fifth, eighteen hundred and twenty-nine.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of the act entitled "An act concerning the Watervliet Turnpike Company," passed April twenty-fifth, eighteen hundred and twenty-nine, is hereby altered and amended so that said section shall read as follows, viz.:

Instead of the rates of toll specified in the tenth section of the act entitled "An act to incorporate the Watervliet Turnpike Company," the said rates of toll shall be as follows:

For every score of sheep or hogs, six cents, and for every score of cattle, horses or mules, twenty cents, and in that proportion for any greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider, three cents; for every sulkey, chair or chaise, drawn by one horse, six cents, and for every additional horse, three cents; for every one horse wagon, drawn by one horse, six cents, and three cents for every one horse sleigh; for every cart, drawn by one horse, mule or ox, six cents, and for every additional horse, three cents; for every chariot, coach, coachee, phaeton, carriage or wagon, drawn by two horses, twelve cents, and for every two horse sleigh, six cents; and every additional horse, three cents; for every stage wagon or other four wheeled carriage, drawn by two horses, mules or oxen, twelve cents, and for every additional horse, three cents.

Rates of
toll.

§ 2. This act shall take effect immediately.

Chap. 392.

AN ACT in relation to the New York Protestant Episcopal public school.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supreme
court may
order sale
of land.

SECTION 1. The supreme court is hereby empowered, from time to time, at any special term thereof, to be held in the first judicial district of this state, on the petition of the trustees of the New York Protestant Episcopal public school, or of any person holding a life estate in any part of the lands hereinafter mentioned, after due notice to such trustees and to the holders of such life estate, to order a sale and conveyance of such portions of the lands in the nineteenth ward of the city of New York, held by the said trustees or other parties, under the will of John Baker, dated the twentieth day of September, in the year one thousand, seven hundred and ninety-six, as shall be necessary to pay any assessment or assessments imposed or to be imposed upon said lands, or any part thereof, which sale shall be conducted in such manner, and upon such notice, and under such restrictions, as the said court may direct; but no such sale or conveyance shall impair or affect the right of any lessee of any part of said lands, nor any right therein, or claim thereto, of any heir-at-law of the said John Baker.

Awards,
how to be
applied.

§ 2. The said court may order and direct that any moneys which may have been or hereafter may be awarded by any commissioners of estimate and assessment, in opening any street or avenue through said lands, to the governor of this state or any other party as trustee, be applied to the payment of the assessments imposed, or to be imposed, upon the said lands or any part thereof.

Surplus.

§ 3. Any surplus moneys arising from such sales shall be held by said court, and paid, under its order, to the party or parties legally entitled thereto. Such order shall be subject to appeal like any other judgment of said court.

§ 4. This act shall take effect immediately.

Chap. 393.

AN ACT for the relief of the estate of James Mullett, deceased.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, to Sally Mullett, widow of James Mullett, deceased, and administratrix on his estate, the sum of one thousand and sixty-two dollars and sixty-six cents, and interest on the same, at the rate of seven per cent per annum, from the sixteenth day of October, eighteen hundred and fifty-seven, in full, for the balance of the salary of James Mullett, as a justice of the supreme court of this state, from the twelfth day of May, eighteen hundred and fifty-seven, to the sixteenth day of October, of the same year, at which time the resignation of his said office was duly filed by him, in the office of the secretary of state.

Treasurer
pay money
on warrant
of comp-
troller.

§ 2. This act shall take effect immediately.

Chap. 394.

AN ACT to amend the poor laws of the county of Herkimer.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall hereafter be elected in each town in the county of Herkimer, at every annual town meeting held therein, two overseers of the poor, in manner following, to wit: Each elector may designate or place upon a ballot, under the words "for overseer of the poor," the name of one person only, and the two persons having the greatest number of said ballots shall be deemed elected as overseers of the poor for said town for one year, or until others are elected and qualified to take their places.

Overseers
of the poor
to be elect-
ed.

Powers and
duties of.

§ 2. The powers, duties and obligations of the said overseers shall be the same as now devolve upon the supervisors of said county acting as overseers of the poor, except as modified by this act, together with the following, to wit: Each overseer of the poor elected by virtue of this act, shall, within ten days after his election, and before entering upon the duties of his office, file with the clerk of his town a bond to the people of the state, with at least two sufficient sureties, for double the amount of cash disbursements for the support of the poor in his town for the preceding year, and conditioned for the faithful discharge of his official duties, and a correct accounting for the moneys received and disbursed by him; which bond shall be approved by the supervisor of his town.

Board of
supervisors
to appropriate
money,
&c.

§ 3. The board of supervisors of said county shall appropriate annually such sums as they shall deem to be necessary for the temporary relief of the poor in the several towns of said county, and shall examine the verified accounts of each overseer of the poor, and publish a report thereon with the proceedings of their annual meeting, which report shall clearly set forth the disbursements made in each town for the benefit of the poor therein, during the year last past, and by whom made.

Advances
to be made.

§ 4. The superintendent of the poor shall advance to each overseer, from the sums appropriated by the board of supervisors for the respective towns, such sums, and at such times, as the supervisor of the town interested may direct; provided that not more than two-thirds of the whole amount appropriated to any one town shall be advanced during the six months succeeding the first of November in each year.

Duty of
overseer of
poor.

§ 5. It shall be the duty of each overseer of the poor to enter in a book to be kept by him for that purpose, the name, age, sex, and country of birth of each person by him relieved, together with the items of expenditure for the relief of each person, and the cause of indigency in each case, as far as it can be ascertained; and such book shall be laid before the board of supervisors at the commencement of their annual session, for examination.

Compensa-
tion.

§ 6. Each overseer shall receive at the rate of one dollar and fifty cents per day while actually employed

in the duties of his office, and twenty-five cents for every order officially made; provided that such compensation shall not exceed one dollar and fifty cents for all orders made and services rendered in any one day, nor exceed two hundred dollars for any one year.

§ 7. No overseer shall furnish relief to any one family to an amount exceeding five dollars, without the written consent of the other overseer. Relief.

§ 8. In case of inability to serve of any one overseer, his duty shall be performed by the other; in case of the inability of both, the supervisor of the town shall do the duty of overseer of the poor, subject to the same obligations and penalties; and in case a vacancy shall occur in said office of overseer, the justices of the peace in the town where such vacancy may occur may appoint suitable persons to hold office until others are elected and qualified. Inability.

§ 9. All provisions of law inconsistent with this act are hereby repealed.

Chap. 395.

AN ACT in relation to the Colonial History of the state, and the Natural History thereof.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The regents of the university are hereby directed to deliver to each member and officer of the present legislature, one copy of the Colonial History of the state, and one copy of the Index to the same, when it shall be published. One copy to be delivered to each member and officer.

SECTION 2. The remaining copies are hereby continued at the disposal of the regents, to be used for the purpose of literary exchanges. Remaining copies.

SECTION 3. The volumes of the Natural History of the state hereafter to be published, shall, when sold, be disposed of at not less than five dollars each, instead of the price now fixed by law; provided, always, that all colleges, academies, scientific institutions and library asso- Natural History.

ciations, which own the volumes already published, or the greater part of them, shall have the right to complete their sets on the terms heretofore established for that purpose.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect immediately.

Chap. 396.

AN ACT to provide for the supply of the city of Brooklyn with water.

Passed April 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

May purchase additional land

SECTION 1. The board of water commissioners, created by the act entitled "An act to provide for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, are hereby authorized to purchase such additional land, and, under existing provisions of law, extinguish such additional water rights as may be necessary for the use or protection of the said water works, and such additional pipes and other materials as may be necessary for the distribution of water, and the increase of the cost of the said water works, occasioned thereby, and all incidental expenses, incurred and to be incurred in the construction and management of said works, except as hereinafter otherwise provided for, shall be met by the issue of bonds, as prescribed by the said act, to the necessary amount; provided that such issue shall, in no event, exceed five hundred thousand dollars, unless with the approval of the common council of said city.

Bonds to be issued.

Management to be transferred when works are completed.

§ 2. When the said water works shall be completed so as to be capable of delivering and distributing a daily supply of ten millions of gallons in the said city, the said commissioners shall certify the same to the common council of the said city, and thereupon the exclusive control and management thereof, as fast as the same shall be completed, shall be transferred to a permanent

water board, to be created as herein provided, and until such transfer is consummated, the exclusive control and management of said works shall be vested in the said commissioners, with the powers as are herein conferred upon the said permanent water board; such transfer shall not in any way affect the powers of the present board of commissioners as a board of construction to complete the works.

§ 3. The said permanent water board shall consist of four members, who shall be called water commissioners. The said board shall be appointed as follows: Two thereof by the commissioners first before mentioned in this act; the other two thereof shall be appointed by the mayor of said city, and with the consent of the board of aldermen of said city at a meeting which shall be held for that purpose on the twenty-fifth day of April, one thousand eight hundred and fifty-nine, which said meeting shall convene at eleven o'clock on that day, and thereafter all vacancies which shall occur in said board shall be filled by a two-third vote of the common council, on the nomination of the mayor of said city; but no one of the present water commissioners shall be eligible to any appointment as a permanent water commissioner, under any of the provisions of this act.

Board to consist of four members.

§ 4. Said permanent water commissioners shall hold their office for eight years, and until others are appointed and qualify in their places; except that the members who shall first constitute the said board shall hold their offices, one for two years, one for four years, one for six years, and one for eight years, and shall, within thirty days after their appointment, draw lots for the said terms in the presence of said mayor, who shall certify the same to the city clerk.

Term of office.

§ 5. They shall respectively subscribe an oath of office and file it in the office of the clerk of the said city, within ten days after their appointment, and shall also, within the same time, execute to the said city, and file in the said office, a bond with two or more sureties in the penal sum of twenty thousand dollars, conditioned that they will faithfully account for all moneys which shall come into their hands or into the hands of the said board, and perform their duties as such commissioners. The justices of the supreme court of the

To subscribe oath and give bonds.

Bond to be approved.

second judicial district shall approve of such bonds, or require the execution of others in their place, until the same shall be approved; and no commissioner shall take office until such bond shall be approved by the said justices of the supreme court of the second judicial district, and in case any of such first water commissioners shall fail to qualify or enter upon office, the nomination and appointment shall be made pursuant to the third section of this act, as if no such nomination or appointment had been made, until such permanent water board shall be fully filled. All subsequent vacancies created by death, resignation, or otherwise, shall be filled for the unexpired term in the manner hereinbefore provided.

Salary.

§ 6. The members of the said board shall each receive an annual salary of two thousand five hundred dollars, payable quarterly.

May be removed for cause.

§ 7. Any commissioner may be removed from office by a vote of two-thirds of the members elected to the common council, for cause, upon written charges of misfeasance or nonfeasance in office, and after reasonable opportunity to be heard in his defense.

By-laws.

§ 8. The said water board shall make by-laws and regulations for its own government, and for the government of all officers and employees whom it may appoint. One of its own members shall be elected president, and another secretary, who shall have charge of the records and papers of the board, and the same are hereby declared to be public records.

Chief engineer and other officer to be appointed.

§ 9. The said board may appoint during pleasure, a chief engineer, a water register, a water purveyor, and such and so many other subordinate officers and employees as the water service may require; and shall fix and pay their salary and compensation.

Board to manage works.

§ 10. The said board is hereby charged with the duty of managing said works, so as to attain the objects for which they are constructed, and of keeping them in a state of efficiency and repair; and they are authorized, from time to time, to expend such sums of money as shall be appropriated by the common council for those purposes.

May prosecute or defend actions.

§ 11. The said board shall, in the name of the city of Brooklyn, prosecute or defend all actions and proceedings, at law and in equity, for money due for the use of

water, or for the violation of any ordinance or regulation respecting the water works or water, or for the breach of any express or implied contract relating to the construction or management of the water works, or the distribution of water; and also for any injury or nuisance to the water courses, ponds, canals, conduits, reservoirs, pipes, machinery, buildings, fences, crossings, fixtures, or anything appurtenant to the said water works, or for any improper use or waste of the water, within or beyond the city of Brooklyn.

§ 12. All water rates and water rents shall be paid to, and collected by the said board. All moneys received by the said board shall be paid weekly to the treasurer of the city of Brooklyn, who shall keep a separate account of all moneys received from, and paid on account of the water works. He shall hold all moneys paid in on account of the water works, and shall pay them out as provided by this act, and not otherwise. The said board shall draw their drafts upon the comptroller of the said city, signed by their president and secretary, for all salaries and all charges, liabilities and expenses incurred in the performance of their duties under this act; specifying in such drafts the purpose for which the same are drawn; and the said treasurer shall pay the same out of the said water moneys, on the draft of the comptroller, countersigned by the mayor and city clerk.

Water rents
to be paid
to treasurer

§ 13. The said board may, upon such terms and conditions as they may prescribe, license plumbers and others to open streets and bore pipes, and make the necessary connections therewith to conduct the water upon any premises for use, and may prescribe a license fee to be paid by such licenses, and may require from them security against damage* and for the faithful performance of their duties.

May license
plumbers.

§ 14. The said board shall fix the times when all water rents shall be payable; they may make regulations as to the times and mode of using the water and testing the quantity used, and the rules and restrictions for such use, printed on each water permit, shall be notice to the water takers, and shall authorize the exactions

Water rents

* So in the original.

and recovery, by due process of law, of any penalties which the said board may impose, in addition to the cutting off the use of the water, for any violation of the rules: and this section shall be printed on such permits.

Books to be kept.

Report.

§ 15. The said board shall keep regular books of accounts, and a full and accurate record of all their official proceedings, which shall be open to the inspection of the mayor and comptroller of the said city, and the water committee, or such special committee as the common council may designate for that purpose. They shall, on the first Tuesday of February and August, in each year, make a written report to the common council of the condition of the works under their charge up to the first of January and the first of July respectively, accompanied by a statement of their receipts and expenditures on account of the same; and shall, on or before the first Monday of May, in each year, report to the common council a working plan for the ensuing year under the several heads of repairs, purchase and laying of mains and pipes, and new work, with an estimate of the quantity of work under each head of expenditure, which it shall be proposed to undertake, and of the costs of each, and of the amount of salaries and contingencies to be incurred, and exhibiting a total of the expenditures contemplated to be made during the ensuing twelve months from the first day of May then next. The appropriations which the common council shall make for the preservation and repair of the works, shall be applied to those objects alone for which the appropriations shall be made, and the expenditure for any object shall not exceed the appropriation therefor.

Standing water committee to examine books

§ 16. It shall be the duty of the standing water committee of the common council, to inspect the said water works thoroughly once in every year, and make a written report thereon to the common council; the common council shall, on the first Monday of November, in every year, appoint a special committee of their body, who shall examine the books, accounts and vouchers of the said board, and the receipts of the water rents, and make a written report thereon to the common council. The members of the said committee shall each receive three dollars for each day of six hours necessarily employed by them in the performance of said duties.

Compensation.

§ 17. The said board shall cause hydrants to be placed in the public streets wherever they may deem them necessary, to be used for the extinguishment of fires and other purposes,* and may prescribe and limit their uses; and any use thereof in violation of the regulations which said board may impose, is hereby declared to be a misdemeanor, for which any person offending may be punished according to law. The said common council may, by ordinance, prescribe penalties for the violation of said regulations; and the said water board, in the name and for the use of the city of Brooklyn, to the credit of the water fund, may sue for and recover such penalties, with treble costs, in any court.

Hydrants
to be placed
in public
streets.

Penalties
may be
prescribed.

§ 18. The said water board shall recommend to, and the common council shall, by ordinance, establish a scale of annual rents for the supply of the water, to be called the "regular rents," by way of distinction from the assessments hereinafter directed, and adapted to the different classes of buildings in said city, with reference to their dimensions, values, exposures to fires, their ordinary uses for dwellings, stores, shops, private or other stables, or other common purposes, number of families or other occupants, or probable consumption of water, as near as may be practicable, and may change said scale from time to time, and also extend it to other descriptions of buildings, occupants and uses; such rents shall be collected from the owners and occupants of all such buildings, respectively, which shall be situated upon lots adjoining any street, avenue, lane or court in said city in which the distributing water pipes shall have been laid, and from which they can be supplied with water, whether the water shall be used or not. Said regular rates, together with all interest that may accrue thereon, shall be a lien upon such houses and lots respectively; hotels, factories, stables, livery stables, and other buildings and establishments which shall consume extra quantities of water, and steamboats and shipping, may, in addition to the regular rents, be charged with rents to be called "extra rents," to be established in like manner as the regular rents. The regular and extra rents now charged in the city of New

Scale of
annual
rents to be
established

Regular
and extra
rents.

* So in original.

York for the use of the Croton water shall be paid for the water in the city of Brooklyn, as hereinbefore provided, except as a different scale shall from time to time be fixed by the said common council. Water may be distributed from said works for any use in Kings, Queens and adjacent counties, upon such terms and conditions as may be prescribed by the water board, subject to the ordinances of the common council.

Rents unpaid for thirty days liable to additional charge.

§ 19. Such regular and annual rents as shall remain unpaid for thirty days after they are payable, shall be subject to an additional charge of one per cent a month until paid, and such additional charge shall be a lien upon the premises.

Taxes and extra rents to be a lien

§ 20. All taxes and rents authorized by this act to be imposed, except extra rents, shall be a lien upon the premises on which they are charged, and may be collected of either the owners or occupants. Such liens may be enforced according to existing laws for the collection of taxes in the city of Brooklyn.

\$50,000 to be added to general tax.

§ 21. There shall be added to the general tax for the city of Brooklyn at large, in the year eighteen hundred and fifty-nine, and yearly thereafter, and levied and collected therein, the sum of fifty thousand dollars, which is hereby directed to be paid to the commissioners of the sinking fund hereinafter mentioned, and held and managed by them for the full and final redemption of the bonds issued on account of the said water works, and for no other purposes; and also there shall be added to the said general tax for said city at large, in the year eighteen hundred and sixty, and yearly thereafter, such further sums of money, in each of said years, as shall be necessary to pay any deficiency which the net income of the water works, after paying the annual expenses thereof, shall be insufficient to pay the interest for any such year on any such bonds. It shall be the duty of the mayor and comptroller of said city to estimate and ascertain the amount of such deficiency, and transmit a statement of the same in each year to the board of supervisors of the county of Kings, in time to have such amount included in the general tax of the said city for that year; and it shall be the duty of said supervisors to cause such amount to be included in such general tax.

§ 22. The price or rents to be fixed for the use of water to be supplied by the said works, shall, as far as may be reasonable and practicable, be regulated and adjusted so as to pay, from the net income, the interest upon, and ultimately the principal of the said bonds. After the payment or deduction of all expenses and charges of maintenance and distribution, the net surplus income from said works shall be set apart as a special sinking fund, to be denominated "the water sinking fund," and shall be appropriated and applied for and towards the payment of the principal and interest of the said bonds, and shall be under the management and control of the mayor, comptroller and treasurer of said city, or the major part of them for the time being, who shall be the commissioners of the said fund, to be applied solely to the use and purpose aforesaid, until the principal and interest of the said bonds shall be fully paid and discharged.

Rents.

Water sinking fund.

§ 23. The moneys directed by the preceding section to be paid into the said water sinking fund, shall be invested by the commissioners of said fund, in the several and respective public stocks or bonds issued by the city of Brooklyn, by the county of Kings, by the state of New York, and by the United States.

Moneys to be invested.

§ 24. The said water board shall, in every year, by resolution, fix the price which shall be assessed (over and above the regular rent, and the special rent hereinbefore provided for) upon every vacant lot situated upon any street, lane, alley or court through or into which distributing pipes shall have been laid, until the bonds issued for the construction of the said works, with the interest thereon, shall have been paid, and thereafter they shall be adjusted so as to, with the other provisions of this act for income from said works, meet the expense of repairs, maintenance and extension of the works. The net proceeds or income of the works shall be paid into the said special sinking fund, as before provided. Such sums so assessed, together with percentages for default, as prescribed by section nineteen of this act, shall be a lien upon the said premises respectively, and the same may be collected and enforced in the same manner as taxes are collected and enforced against land in said city.

Water board to fix price of assessment.

Net proceeds.

§ 25. Any person or persons, their aiders and abettors,

Diversion of waters to

be punished
by fine and
imprison-
ment.

who shall willfully divert or cause the diversion of the water, or any portion thereof, from the said works, or any portion thereof, or shall corrupt or render the water unpleasant or impure, or shall destroy or injure any canal, aqueduct, conduit, reservoir, pipe, hydrant, fountain, gate, machinery or other property, part, parcel or appurtenance of the said works, required or used for procuring, securing or distributing the water, shall severally forfeit to the said commissioners, and the said board, for the use of the city of Brooklyn, to be recoverable in any proper form of action, treble the amount of damages proved to have been occasioned thereby, with treble costs of such action; and all such acts are hereby declared misdemeanors, and any person convicted of any such act shall be further punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, in the discretion of the court.

Lands used
for water
works, how
taxed.

§ 26. The lands which shall be occupied by or used for the said water works, in Kings and Queens counties, shall be taxed at the value of the adjacent lands used for agricultural purposes, exclusive of any improvements thereon, and all such improvements are hereby declared to be exempt from taxation, except that in the county of Queens dwelling-houses and machine and pump-houses, and machinery in such machine or pumping-houses upon such lands, may be taxed in the same manner as against individuals.

Board may
change plan
and substi-
tute closed
conduit.

§ 27. The board of water commissioners created by the act entitled, "An act for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, are hereby authorized to change the plan for such supply, and to substitute a closed conduit for the whole or any portion of the open canal east of the present conduit. They may, upon the change of such plan, arrange upon such terms and conditions, and extend the periods for the furnishing of such supply as they may see fit; but no contract made by them for such closed conduit shall increase the cost of the water works to exceed the sum of five hundred thousand dollars for such closed conduit, and such increased cost, shall be met by like increase in the amount of bonds to be issued as provided by said act; such increase

Increased
cost not to
exceed
\$500,000.

of bonds shall be in addition to the amount named in the first section of this act.

§ 28. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 29. This act shall take effect immediately.

Chap. 397.

AN ACT to declare the village of Cuba a separate road district; and to provide for raising money by tax therein for highways and sidewalks; and compel owners of property therein to build sidewalks, and for other purposes.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The said village of Cuba shall constitute a separate road district in the town of Cuba; and the territory comprised within the same shall be exempt from the superintendence and jurisdiction of the commissioners of highways of the town of Cuba; and the trustees of said corporation shall have all the powers within said village, and be subject to all the duties and liabilities of commissioners and overseers of highways of towns, in like cases, and may, in their discretion, appoint one of their number or any other competent person, street commissioner; whose special duty it shall be to superintend, subject to the control of said trustees, the construction and repairs of all bridges, streets, roads, sidewalks, crosswalks and public squares and commons. and who shall receive for his services such amount as a majority of the board of trustees may deem proper, to be paid out of the money arising out of highway taxes.

Separate
road
district.

§ 2. The trustees of said village shall have power to raise, levy and collect from all persons owning property in said village, a sum not exceeding two hundred dollars in any one year, as a contingent fund to defray ordinary expenses of said corporation, and for such other purposes as they may deem proper, not inconsistent with the provisions of this act.

Powers of
trustees.

Assessment

§ 3. The said trustees shall have power to assess upon all persons owning property in said village, annually, such amount, denominated highway tax, as they shall deem necessary to work and improve the roads, bridges, streets, lanes and alleys of said village. Each male inhabitant of the age of twenty-one years and upwards, shall be assessed fifty cents each year, and the balance of the highway tax shall be assessed upon all persons owning property and estate, real and personal, incorporated companies, banks and banking associations, according to the value of their real and personal estate in said village, and the tax so raised for highway purposes, shall be appropriated under the direction of said trustees, to the working and improving of the roads, streets, lanes and alleys in said corporation. Every person liable to be assessed for highway labor in said village, may commute such labor by paying to said trustees the sum of fifty cents for each day he shall be assessed.

Duty of owners of real estate.

§ 4. It shall be the duty of every owner of real estate in said village, in front of whose premises a sidewalk has been or shall hereafter be made, to keep the same at all times in suitable and proper repairs; and in case of his neglect to do so, he shall be liable for all damages which shall be sustained by such neglect.

Neglect to keep sidewalks in repair.

§ 5. In case any owner shall neglect to keep his sidewalk in suitable and proper repair, it shall be the duty of the trustees of said village to cause a notice to be served upon such owners, requiring him or her to repair such work within thirty days from such service.

Notice, how to be served.

§ 6. Such notice may be served personally, or by leaving the same at his or her residence, with some person of suitable age and discretion, between the hours of eight o'clock in the morning and eight o'clock in the evening, or in case such owner is a non-resident of the village, by depositing such notice in the post office at Cuba, in a proper envelope, directed to such owner at his reputed place of residence, and by paying the postage on the same.

Repairs.

§ 7. Such repairs shall correspond in the material used, and in the execution of the work, with the walks repaired, unless on application of said owner the trustees shall consent to change.

§ 8. In case of neglect of any owner to repair his work,

within the thirty days specified in such notice, he or she shall forfeit and pay to said village the sum of ten dollars, to be sued for and recovered in the name of said village, in any court having competent jurisdiction.

§ 9. All the provisions of the general act for the incorporation of villages, inconsistent with the provisions of this act, are hereby repealed. But this act shall not be construed to deprive the trustees of said village of any of their powers, conferred upon them by said general act of incorporation, nor to repeal the provisions therein, to compel the inhabitants of any incorporated village to build or repair sidewalks and crosswalks in said village.

Act
applicable,

§ 10. This act shall take effect immediately.

Chap. 398.

AN ACT to empower the Chautauque Farmers' and Mechanics' Union, at Fredonia, to purchase and hold real estate, not to exceed five thousand dollars in value.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May hold
and convey
real estate.

SECTION 1. The Chautauque Farmers' and Mechanics' Union, at Fredonia, may, in their corporate name, take, receive, purchase and hold real estate, for the purposes of their incorporation and for no other purpose, to an amount not exceeding the sum of five thousand dollars in value.

§ 2. This act shall take effect immediately.

Chap. 399.

AN ACT to increase the pay of jurors in Herkimer county.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compensation of jurors.

SECTION 1. Every grand and every petit juror, hereafter attending any court of record in Herkimer county, shall receive the sum of one dollar and fifty cents for each day's attendance, and three cents a mile traveling fees, instead of the compensation including trial fees now by law allowed, to be paid out of the treasury of said county, in the same manner as jury fees are now paid; which compensation may be altered by the board of supervisors of said county, at any regular meeting thereof.

§ 2. This act shall take effect immediately.

Chap. 400.

AN ACT to repeal the charter of the People's Loan and Relief Company, of the city of New York, passed April seventeenth, eighteen hundred and fifty-eight.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act repealed.

SECTION 1. The act entitled "An act to incorporate the People's Loan and Relief Company of the city of New York," passed April seventeenth, eighteen hundred and fifty-eight, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 401.

AN ACT to authorize Mathew Wilks, and his children Annette and Catharine Wilks to take, hold and convey real estate.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Mathew Wilks of the city of New York, and his children Annette and Catharine Wilks of the same place, are hereby authorized and empowered to take, hold and convey real estate, by deed, gift, or devise, or grant, the same and with like authority and effect, as though the same Mathew Wilks had perfected his naturalization, and become a citizen of this state, and the same as though his children Annette and Catharine aforesaid, had been born in this state.

May hold
and convey
real estate.

SECTION 2. This act shall not in any manner affect any claim or demand which any person may have, in law, or equity, against the said Mathew Wilks, by mortgage, judgment or otherwise.

SECTION 3. This act shall take effect immediately.

Chap. 402.

AN ACT to authorize the canal board to hear and investigate the claim of John McIntyre for dredging the harbor of Whitehall.

Passed April 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to hear and determine the claim of John McIntyre, for dredging the harbor of Whitehall, and on investigating such claim, if it shall appear that a mistake was made in the base line, by which his certificate was made, and that he has not received the full compensation for the work done by him under his contract for dredging

Canal board
to hear and
determine
claim.

said harbor, at the prices stipulated in said contract for said work, they shall award to him such further sum as he may be equitably entitled to receive, not exceeding (with what has already been paid to him) the sum of ten thousand dollars.

Treasurer
to pay
amount of
award, on
warrant of
comptroller.

§ 2. The treasurer shall pay, on the warrant of the comptroller, to said John McIntyre, his heirs or personal representatives, such sum of money as shall be awarded to him in pursuance of this act, out of any money appropriated for that purpose by chapter one hundred and sixty-eight of the Laws of eighteen hundred and fifty-five.

§ 3. The determination of the canal board under the provisions of this act, shall be made before the first day of January next.

§ 4. This act shall take effect immediately.

Chap. 403.

AN ACT referring the claim of Eli Chittenden and others.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners to
be appoint-
ed.

SECTION 1. The governor of the state of New York shall, on or before the first day of May, eighteen hundred and fifty-nine, appoint three persons as commissioners, to whom all matters of claim or controversy between Eli Chittenden and others, and the people of the state of New York, in relation to the Averill ore bed and property at Clinton prison, shall be referred for final adjustment and determination.

Parties to
enter into a
stipulation.

§ 2. It shall be the duty of the attorney-general, forthwith, on behalf of the state, to enter into a written stipulation and submission of all such matters and claims, in which both parties shall join, with the said Eli Chittenden and his associates, to stand to and abide by the award made by such commissioners, or the majority of them, and such award shall be final and conclusive between the parties; which stipulation and submission shall be executed (either personally or by their respective attorneys,

duly appointed for that purpose) by all the parties interested in such claim or claims.

§ 3. As soon as said stipulation shall have been executed, the said commissioners, or a majority of them, on the application of either party, shall appoint a time and place for hearing; and the party so applying shall give the opposite party at least ten days' notice, in writing, of the same, either by personal service or by mail.

Time and place of hearing to be appointed.

§ 4. The said Chittenden and his associates shall, in writing, present a statement of all their claims, legal and equitable, against the state or any of its officers or agents; and such commissioners, or a majority of them, shall thereupon proceed to examine into such claims, and shall hear the proofs and allegations of the parties. They shall have power to administer oaths, compel the attendance of witnesses, and adjourn from time to time, and from place to place; and on or before the first day of September, eighteen hundred and fifty-nine, they, or a majority of them, shall decide upon and adjust all the rights of the parties, both in law and equity, on the claims submitted, and make such final order and adjudication in the premises as shall be legal and equitable; and on or before the day last named, they shall file in the office of the secretary of state a report of their decision and award in the premises, which shall stand as a final adjudication and adjustment of all the matters submitted to them; and they shall furnish a duplicate report to said Chittenden and his associates; which report, or a certified copy thereof, or its duplicate, shall be legal evidence of the rights of the parties in the premises.

Statement to be presented.

Commissioners may administer oaths and adjust rights of parties.

Report to be filed in office of secretary of state.

Duplicate to be furnished.

§ 5 The comptroller is required to draw his warrant, and the treasurer is required to pay to said Eli Chittenden and his associates, on or before the first day of April, eighteen hundred and sixty, such sum or sums of money, if any, as the said commissioners shall decide and award to be due to them, out of any money appropriated, or which shall hereafter be appropriated for the support of the state prisons of this state.

Money to be paid to Eli Chittenden.

§ 6. In case of the death or refusal either of the said commissioners to serve, the governor of this state shall appoint some competent person to act in the place of such commissioner.

§ 7. This act shall take effect immediately.

Chap 404.

AN ACT to incorporate the "Staten Island Warehousing Company."

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corpora-
tors.

Name.

To exist for
30 years.

Real estate.

May collect
usual rates
for dock-
age, &c.

SECTION 1. William H. Hays, Edward B. St. John, John S. Hunt, Leland Fairbanks, Jr., Lewis A. Cohen, William H. Fairchild, and William Ravesteyn, and all other persons who may hereafter be holders of the stock hereinafter mentioned, are hereby constituted a body politic and corporate, by the name of the "Staten Island Warehousing Company," for the purpose of owning, leasing, holding, erecting and maintaining lands, docks, bulkheads, piers, basins and warehouses, and for carrying on the business of warehousemen and forwarders, within the limits of the port of New York. The corporation hereby created shall exist for thirty years, with power to sue and be sued, to make and use a common seal, and alter the same at pleasure.

§ 2. The corporation hereby created, in and by their corporate name, shall have power, in and about the prosecution of their aforesaid business, to hold and acquire any real or leasehold estate or personal property, and the same from time to time to sell, assign, transfer, convey or otherwise dispose of; but this corporation is hereby expressly prohibited from buying or selling any goods, wares or merchandise, or other property, as dealers or on commission, and from engaging in the business of forwarding goods, wares and merchandise, or other property, from port to port, or from place to place.

§ 3. The said corporation is hereby authorized to receive and collect the usual and customary rates of dockage, wharfage, storage, and lighterage, for the use of their docks, quays, wharves and warehouses, and the machinery and elevators therewith connected or the lighters by them employed, together with all charges and expenses incurred for labor or otherwise in the receipt, delivery or custody of merchandise received by or stored with them; and such advances as may be by said corporation made

on goods, wares or merchandise received by or stored with them; with interest and commissions at the usual and customary rates. All of which charges, expenses, advances, interest and commissions, as above specified, shall be a lien on said merchandise; and in case the same shall be in arrear and unpaid, or the goods be unclaimed for one year, the said goods, or so much thereof as may be sufficient to satisfy the amount due thereon, may be sold at public auction, thirty days public notice of the time and place of such sale being given, by publication in at least three of the daily papers printed in the city of New York, and in a newspaper published in the county where the business is carried on.

Charges to
be a lien.

§ 4. The capital stock of said corporation shall consist of three hundred thousand dollars, divided into three thousand shares of one hundred dollars each, which shall be deemed personal property, and be transferable as such, in the manner the by-laws may prescribe; and the same may be hereafter increased, in case a majority of the trustees for the time being so determine, to an amount not exceeding one million of dollars. The said corporation may commence business, and be deemed fully organized, when the sum of one hundred thousand dollars towards the capital stock shall have been subscribed for, and the whole amount of such subscription paid in, in cash.

Capital
stock.

§ 5. The affairs, concerns and business of the corporation hereby created shall be managed and conducted by and under the direction of seven trustees, who shall respectively be stockholders, and who shall, in the first instance, be elected to serve for one year, at a general meeting of the stockholders of this corporation, which the persons named in the first section of this act are authorized to call, as soon as the sum of one hundred thousand dollars shall be subscribed, as provided in the preceding section; and, thereafter, the said trustees shall be elected annually, at such time and in such manner as the by-laws of the corporation may prescribe.

Affairs to
be managed
by board of
trustees.

§ 6. The persons chosen as hereinbefore specified, shall have power to make all such by-laws, not inconsistent with the laws of this state or the United States, as they may deem necessary for the conduct and management of the business and affairs of the corporation, the holding of

By-laws.

elections, the transfer of stock and of subscriptions thereto, which by-laws, from time to time, may be amended, added to or altered by the trustees for the time being. A majority of the said trustees shall constitute a quorum for the transaction of business, and shall have power to appoint and remove at pleasure, all officers, clerks or servants necessary or requisite to carry on the business of said corporation, and to fill all vacancies in their own number occasioned by death, resignation or otherwise.

Commissioners to receive subscriptions.

§ 7. William H. Hays, Edward B. St. John and John S. Hunt are hereby appointed commissioners to receive subscriptions to the capital stock of this corporation, at such time and place as they may appoint, by giving one week's public notice thereof, by publication in two daily papers printed and published in the city of New York, and said subscriptions shall be payable at such time, and in such manner and installments as the said commissions* may determine; and in case of default, the corporation may enforce the payment of such subscription by action, or the stock, with all the payments which may have been or be made thereon, shall be forfeited to the use of said corporation.

Liability of stockholders.

§ 8. The stockholders of such corporation shall be jointly and severally individually liable for all the debts that may be due and owing to all the laborers and servants of such corporation for services performed for such corporation; but no action or proceeding shall be brought or maintained against any stockholder for any such debt, until the same shall have been due and unpaid for the space of thirty days.

Ibid.

§ 9. Each and every stockholder shall be individually liable to the creditors of said corporation for all debts and liabilities of said corporation, to an amount equal to the amount of stock held by him, until he shall have paid in full the amount of such stock so held; but no stockholder shall be personally liable for the payment of any debt contracted by such corporation, which is not to be paid within one year from the time when the debt was contracted, unless a suit for the collection of such debt shall be brought against the said corporation within two years after the debt shall become due, and no suit shall be

* So in original

brought against any stockholder in said corporation until an execution against the corporation shall have been returned unsatisfied in whole or in part. No person holding stock in such corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of said corporation, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such fund, would have been if he had been living or competent to act, and held the stock in his own name. Every such executor, administrator, guardian or trustee shall represent the shares of stock owned by him as such at all meetings, and may vote as a stockholder; and every person pledging his stock as aforesaid may, in like manner, represent the same and vote accordingly.

Person holding stock in trust, not liable as stockholder

§ 10. The receipts, warrants or warehouse certificates issued by this corporation for goods, wares and merchandise in their possession or under their control, shall in all cases be signed by the president or vice-president and secretary of the corporation, and attested by the corporate seal, and copies thereof shall be registered in two books kept for that purpose, one of which books shall be kept by each of the officers whose signatures are to be affixed as aforesaid, which books shall be at all times open for the inspection of dealers with said corporation. The said receipts, warrants or certificates may be transferred by indorsement thereof, and any person to whom the same may be so transferred shall be deemed and taken to be the owner of the goods, wares and merchandise therein specified, so far as to give validity to any pledge, lien or transfer made or created by such person or persons, but no property shall be delivered except on surrender and cancellation of said original receipt, warrant or certificate. Every such receipt, warrant or warehouse certificate shall contain on its face a notice that the property mentioned therein is held by this corporation as bailees only, and is not insured by this corporation.

Papers to be signed, registered and attested

Transfer.

Unlawful
acts of
employees,
how pun-
ished.

§ 11. If any officer, clerk or servant, or other person in the employment of said corporation shall take, embezzle or convert to his own use, or make away with, or secrete with intent to take, embezzle or convert to his own use, any property, goods, wares or merchandise delivered to said corporation or in or under their possession, custody or control, or shall, with intent to defraud the said corporation or any other person or persons, issue, or cause, or suffer, or in any way or manner procure to be issued, any receipt, warrant or warehouse certificate for any property, goods, wares or merchandise not actually delivered to or in or under the possession, custody or control of said corporation, or shall, with like intent, issue, or cause, or suffer, or in any way or manner procure to be issued, any receipt, warrant or warehouse certificate as aforesaid, for any property, goods, wares or merchandise in the custody, possession or control of said corporation, except on the cancellation and surrender of the original receipt, warrant or warehouse certificate issued therefor, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the articles so taken, embezzled, converted, made way with, or secreted, or mentioned, or described in the said receipts, warrants or certificates.

§ 12. This act shall take effect immediately.

Chap. 405.

AN ACT to incorporate the United States Warehouse Company.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corpora-
tion created

SECTION 1. Charles D. Mathews, C. N. S. Rowland, James Green, Robert H. Ogden, Edward L. Mathews, their associates, and all other persons who may hereafter be holders of the stock hereinafter mentioned, are hereby constituted a body politic and corporate, by the name of the "United States Warehouse Company," for the purpose of owning, leasing, holding, erecting and maintaining

docks, bulkheads, piers, basins and warehouses, and for the carrying on the business of warehousemen and forwarders, within the limits of the port of New York. The corporation hereby created shall exist for thirty years, with power to sue and be sued, to make and use a common seal, and alter the same at pleasure.

To exist for
30 years.

§ 2. The corporation hereby created, in and by their corporate name, shall have power, in and about the prosecution of their aforesaid business, to hold and acquire any real or leasehold estate or personal property, and the same, from time to time, sell, assign, transfer, convey, or otherwise dispose of; but this corporation is hereby expressly prohibited from buying or selling any goods, wares or merchandise or other property as dealers, or on commission, and from engaging in business of forwarding goods, wares or merchandise, or other property, from port to port or from place to place.

Real or
leasehold
estate, or
personal
property.

§ 3. The said corporation is hereby authorized to receive and collect the usual customary rates of dockage, wharfage, storage and lighterage for the use of their docks, quays, wharves and warehouses, and the machinery or elevators therewith connected, or the lighters by them employed, together with all charges and expenses incurred for labor or otherwise, in the receipt, delivery or custody of merchandise received by or stored with them, and such advances as may be by said corporation made on goods, wares and merchandise received by or stored with them, with interest and commissions at the usual and customary rates; all of which charges, expenses, advances, interest and commissions, as above specified, shall be a lien on said merchandise; and in case the same shall be in arrear and unpaid, or the goods be unclaimed for one year, the said goods, or so much thereof as may be sufficient to satisfy the amount due thereon, may be sold at public auction, thirty days public notice of the time and place of such sale being given by publication in at least three of the daily newspapers printed in the town or city where the operations of this corporation may be carried on.

May collect
usual rates
for dockage
&c.

Charges to
be a lien.

§ 4. The capital stock of said corporation shall consist of three hundred thousand dollars, divided into three thousand shares of one hundred dollars each, which shall be deemed personal property, and be transferable as such

Capital
stock.

Unlawful
acts of
employees,
how pun-
ished.

§ 11. If any officer, clerk or servant, or other person in the employment of said corporation shall take, embezzle or convert to his own use, or make away with, or secrete with intent to take, embezzle or convert to his own use, any property, goods, wares or merchandise delivered to said corporation or in or under their possession, custody or control, or shall, with intent to defraud the said corporation or any other person or persons, issue, or cause, or suffer, or in any way or manner procure to be issued, any receipt, warrant or warehouse certificate for any property, goods, wares or merchandise not actually delivered to or in or under the possession, custody or control of said corporation, or shall, with like intent, issue, or cause, or suffer, or in any way or manner procure to be issued, any receipt, warrant or warehouse certificate as aforesaid, for any property, goods, wares or merchandise in the custody, possession or control of said corporation, except on the cancellation and surrender of the original receipt, warrant or warehouse certificate issued therefor, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the articles so taken, embezzled, converted, made way with, or secreted, or mentioned, or described in the said receipts, warrants or certificates.

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docks, bulkheads, piers, basins and warehouses, and for the carrying on the business of warehousemen and forwarders, within the limits of the port of New York. The corporation hereby created shall exist for thirty years, with power to sue and be sued, to make and use a common seal, and alter the same at pleasure.

To exist for
30 years.

§ 2. The corporation hereby created, in and by their corporate name, shall have power, in and about the prosecution of their aforesaid business, to hold and acquire any real or leasehold estate or personal property, and the same, from time to time, sell, assign, transfer, convey, or otherwise dispose of; but this corporation is hereby expressly prohibited from buying or selling any goods, wares or merchandise or other property as dealers, or on commission, and from engaging in business of forwarding goods, wares or merchandise, or other property, from port to port or from place to place.

Real or
leasehold
estate, or
personal
property.

§ 3. The said corporation is hereby authorized to receive and collect the usual customary rates of dockage, wharfage, storage and lighterage for the use of their docks, quays, wharves and warehouses, and the machinery or elevators therewith connected, or the lighters by them employed, together with all charges and expenses incurred for labor or otherwise, in the receipt, delivery or custody of merchandise received by or stored with them, and such advances as may be by said corporation made on goods, wares and merchandise received by or stored with them, with interest and commissions at the usual and customary rates; all of which charges, expenses, advances, interest and commissions, as above specified, shall be a lien on said merchandise; and in case the same shall be in arrear and unpaid, or the goods be unclaimed for one year, the said goods, or so much thereof as may be sufficient to satisfy the amount due thereon, may be sold at public auction, thirty days public notice of the time and place of such sale being given by publication in at least three of the daily newspapers printed in the town or city where the operations of this corporation may be carried on.

May collect
usual rates
for dockage
&c.

Charges to
be a lien.

§ 4. The capital stock of said corporation shall consist of three hundred thousand dollars, divided into three thousand shares of one hundred dollars each, which shall be deemed personal property, and be transferable as such

Capital
stock.

in the manner the by-laws may prescribe; and the same may be hereafter increased, in case a majority of the trustees for the time being so determine, to an amount not exceeding one million of dollars. The said corporation may commence business and shall be deemed fully organized when the sum of one hundred thousand dollars towards the capital stock shall have been subscribed for and the whole amount of said subscription paid in, in cash.

Affairs to
be managed
by board of
trustees.

§ 5. The affairs, concerns and business of the corporation hereby created, shall be managed and conducted by and under the direction of nine trustees, who shall respectively be stockholders, and who shall, in the first instance, be elected to serve for one year, at a general meeting of the stockholders of this corporation, which the persons named in the first section of this act are authorized to call as soon as the sum of fifty thousand dollars shall be subscribed, as provided in the preceding section, and thereafter the said trustees shall be elected annually, at such time and in the manner as the by-laws of the corporation may prescribe.

By-laws.

§ 6. The persons chosen as hereinbefore specified shall have power to make all such by-laws, not inconsistent with the laws of this state or the United States, as they may deem necessary for the conduct and management of the business and affairs of the corporation, the holding of elections, the transfer of stock and of subscriptions thereto; which by-laws, from time to time, may be amended, added to or altered, by the trustees for the time being. A majority of the said trustees shall constitute a quorum for the transaction of business, and shall have power to appoint and remove at pleasure, all officers, clerks or servants necessary or requisite to carry on the business of the said corporation, and to fill all vacancies in their own number occasioned by death, resignation or otherwise.

Commis-
sioners to
receive sub-
scription.

§ 7. C. N. S. Rowland, James Green and Charles D. Mathews are hereby appointed commissioners to receive subscriptions to the capital stock of this corporation, at such time and place as they may appoint, by giving one week's public notice thereof, by publication in two daily papers printed and published in the city of New York, and said subscriptions shall be payable at such time and

in such manner and installments as the said commissioners may determine; and in case of default, the corporation may enforce the payments of such subscription by action, or the stock, with all the payments which may have been or be made thereon, shall be forfeited to the use of said corporation.

§ 8. The stockholders of such corporation shall be, jointly and severally, individually liable for all the debts that may be due and owing to all the laborers and servants of such corporation, for service performed for such corporation; but no action or proceeding shall be brought or maintained against any stockholder for any such debt until the same shall have been due and unpaid for the space of thirty days.

Liability of
stockhold-
ers.

§ 9. Each and every stockholder shall be individually liable to the creditors of said corporation for all debts, and liabilities of said corporation, to an amount equal to the amount of stock held by him, until he shall have paid in full the amount of such stock so held; but no stockholder shall be personally liable for the payment of any debt contracted by such corporation, which is not to be paid within one year from the time when the debt was contracted, unless a suit for the collection of such debt shall be brought against the said corporation, within two years after the debt shall become due; and no suit shall be brought against any stockholder in said corporation, until an execution against the corporation shall have been returned unsatisfied in whole or in part. No person holding stock in such corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of said corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such fund, would have been if he had been living or competent to act, and held the stock in his own name. Every such executor, administrator, guardian or trustee shall represent the shares of stock owned by him as such, at all meetings, and may vote as a stockholder; and

Ibid.

Persons
holding
stock in
trust, not
liable as
stock-
holders.

every person pledging his stock as aforesaid may, in like manner, represent the same, and vote accordingly.

Papers to
be signed,
registered
and attested

§ 10. The receipts, warrants, or warehouse certificates issued by this corporation, for goods, wares and merchandise in their possession or under their control, shall in all cases be signed by the president or vice-president and secretary of the corporation, and attested by the corporate seal, and copies thereof shall be registered in two books kept for that purpose, one of which books shall be kept by each of the officers whose signatures are to be affixed as aforesaid, which books shall be at all times open for the inspection of dealers with said corporation. The said receipts, warrants or certificates may be transferred by indorsement thereof, and any person to whom the same may be so transferred shall be deemed and taken to be the owner of the goods, wares and merchandise therein specified, so far as to give validity to any pledge, lien or transfer made or created by such person or persons; but no property shall be delivered except on surrender and cancellation of said original receipt, warrant or certificate. Every such receipt, warrant or warehouse certificate shall contain on its face a notice, that the property mentioned therein is held by this corporation as bailees only, and is not insured by this corporation.

Transfer.

Unlawful
acts of
employees,
how pun-
ished.

§ 11. If any officer, clerk or servant, or other person in the employment of said corporation shall take, embezzle or convert to his own use, or make way with, or secrete with intent to take, embezzle or convert to his own use, any property, goods, wares or merchandise delivered to said corporation, or in or under their possession, custody or control; or shall, with intent to defraud the said corporation, or any other person or persons, issue or cause or suffer, or in any way or manner procure to be issued, any receipt, warrant or warehouse certificate for any property, goods, wares or merchandise not actually delivered to or in, or under the possession, custody or control of said corporation; or shall, with like intent, issue or cause, or suffer, or in any way or manner procure to be issued, any receipt, warrant or warehouse certificate as aforesaid, for any property, goods, wares or merchandise in the custody, possession or control of said corporation, except on the cancellation and surrender of the original receipt, warrant or warehouse certificate issued therefor, he shall,

upon conviction, be punished in the manner prescribed by law, for feloniously stealing property of the value of the articles so taken, embezzled, converted, made way with or secreted, or mentioned or described in the said receipts, warrants or certificates.

§ 12. This act shall take effect immediately.

Chap. 406.

AN ACT to amend an act entitled "An act creating a public fund or stock in the city of New York to be called the Croton Water Stock, and in relation to the Sinking Fund of said city," passed May thirteenth, eighteen hundred and forty-five.

Passed April 16, 1859 ; three-fifths being present.

Whereas the revenues set apart by and mentioned in title two of an ordinance of the mayor, aldermen and commonalty of the city of New York, entitled "An ordinance providing for the redemption of the city debt, and the payment of the interest thereon," passed February twenty-second, eighteen hundred and forty-four, being the revenues pledged and appropriated to the payment of the interest upon the said city debt, have accumulated after the payment of all interest provided for in said ordinance to be paid on said debt and chargeable to said sinking fund for the payment of the interest on said debt, so that on the first day of January, eighteen hundred and fifty-nine, they amounted to the aggregate sum of two millions five hundred and seventy-nine thousand five hundred and thirty-four dollars and twelve cents ;

And whereas, there is no object to which said sum and the accumulations which may hereafter arise from said revenues can be applied, as no power exists by which the commissioners of the sinking fund mentioned in said ordinance, can invest said moneys permanently ;

And whereas, it is desirable that said surplus and the accumulations which may hereafter arise from said revenues, after the payment of all interest on said debt, should be transferred to the sinking fund for the redemption of the city debt provided for in said ordinance ; therefore,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Moneys to
be trans-
ferred.

SECTION 1. The commissioners of the sinking fund of the city of New York mentioned in the ordinance of the mayor, aldermen and commonalty of said city, passed February twenty-second, eighteen hundred and forty-four, are hereby authorized and empowered to transfer the sum of two millions, five hundred and seventy-nine thousand, five hundred and thirty-four dollars and twelve cents (being the surplus on the first day of January, eighteen hundred and fifty-nine, over and above a sufficiency to pay the interest accrued to that date) from the sinking fund for the payment of interest on the city debt to the sinking fund for the redemption of the city debt of the said city of New York, and to invest the same in the manner authorized by law and ordinances in relation to said last mentioned sinking fund.

Ibid.
Surplus to
be invested.

§ 2. On the last day of December in each and every year, the surplus then existing in the sinking fund for the payment of interest on the said city debt after the payment of the interest which may have accrued during the year, chargeable to or payable out of the said fund, shall be transferred to the sinking fund for the redemption of the city debt of said city, and the commissioners of the sinking fund of said city are hereby authorized and required to invest the surplus so transferred in the same manner as now provided by law in respect to the revenues pledged to the sinking fund for the redemption of the debt of said city.

§ 3. This act shall take effect immediately.

Chap. 407.

AN ACT to amend the act incorporating the village of Saratoga Springs, passed April seventeenth, eighteen hundred and twenty-six.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Boundaries
extended.

SECTION 1. The boundaries of the village of Saratoga Springs are hereby extended one quarter of a mile east,

one quarter of a mile south, and one quarter of a mile west of the present boundaries, and all the district of country lying within the boundaries as hereby extended, and the inhabitants residing therein shall hereafter constitute the village of Saratoga Springs, with all the powers and privileges, and subject to all the duties contained in the said act incorporating the village of Saratoga Springs and the various acts amending the same.

§ 2. The trustees of the village of Saratoga Springs shall have power to direct the owner or owners of any real estate in said village to construct such sidewalks, drains and sewers in front of their respective lots, and grade, amend and repair the same in such manner as the said trustees shall by resolution require. In case the owner or owners of any such real estate shall, for thirty days after passage of a resolution requiring him or them to construct, grade, repair, amend or curb any sidewalk, drain or sewer, neglect or refuse to do the same, the said trustees shall have power to construct any such sidewalk, drain or sewer in said village, and cause the same to be graded, curbed, relaid or repaired, and to cause the expenses of any improvement made or directed under this section, to be assessed upon the real estate benefited thereby, provided that such expenses shall not exceed two dollars per foot, of the width of the lot or lots or real estate so assessed, upon any street so improved. All assessments for such improvements shall be paid to the treasurer of said village, within sixty days after the delivery to said treasurer of a certified copy of the resolution of said trustees, fixing the amount of such assessment.

Trustees of
village,
powers of.

In case of non-payment, the said trustees may order, by such regulations as they deem expedient, the said real estate so assessed, or some part thereof, to be sold for the shortest term of years sufficient to raise the tax, after giving six weeks' public notice of such sale in a newspaper printed in the village, and in the newspaper printed by the printer to the state, and allowing the owner two years after the sale to redeem the same, on paying the expenses of said assessment and expense of sale and the interest thereon. But nothing in this section contained shall be construed to impair or affect the rights of said trustees

to issue highway certificates for labor performed under this section.

Encroachments to be removed.

§ 3. Any person who shall hereafter erect any stoop, steps, fence or other encroachment in the streets of said village shall remove the same within ten days after service of a copy of a resolution of the said trustees requiring him so to do; and said trustees shall have power to enforce obedience to such resolution, by inflicting such penalty on any citizen or inhabitant for neglect or refusal to obey such resolution, not exceeding one hundred dollars, as said trustees may by such resolution impose, recoverable in the same manner as any penalty for the breach of any by-law of said village.

Chap. 408.

AN ACT for the relief of Zephaniah Barker, Orville N. Carlton, Bridget Galaper, Danvers Doubleday, John Miller, Charles Ferris, Seneca Hallock, Horace Dibble, William Henry, Michael Minton, Patrick McIntyre, James Powers, Benjamin Ferris, Charles Rogers, Lewis Midalton, Reuben C. Oatman and Jacob Miller.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Claims to be examined.

SECTION 1. The canal appraisers are hereby authorized and required to examine the claims of Zephaniah Barker, Orville N. Carlton, Bridget Galaper, Danvers Doubleday, John Miller, Charles Ferris, Seneca Hallock, Horace Dibble, William Henry, Michael Minton, Patrick McIntyre, James Powers, Benjamin Ferris, Charles Rogers, Lewis Midalton, Reuben C. Oatman and Jacob Miller, for damages sustained by them in consequence of the inundation of certain lands owned or occupied by them in the towns of Kingsbury and Fort Edward, in Washington county, alleged to have been caused by the overflow of the banks of the Champlain canal, on or about June nine, eighteen hundred and fifty-eight, through the negligence of persons employed by the state having the charge of

waste weirs at Dunham's basin and at Smith's basin; and in case they shall find that the state is justly liable for such damages, to make such award therefor as shall be just and equitable; which award shall be subject to the same right of appeal to the canal board, by either party, as in other cases.

§ 2. The treasurer shall pay on the warrant of the auditor of the canal department, out of any moneys in the treasury appropriated to the use of the canals, such sum, if any, as shall be awarded under the provisions of this act.

Treasurer
to pay
award on
warrant of
auditor.

§ 3. This act shall take effect immediately.

Chap. 409.

AN ACT authorizing the appraisal and payment of damages to Jerome B. Hulbert.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the alleged claim of Jerome B. Hulbert, for damages occasioned by a break in the canal embankment, on the twenty-eight day of July, eighteen hundred and fifty-eight, opposite the said Jerome B. Hulbert's factory, in the town of Leyden, in the county of Lewis. If upon examination it shall appear that damages have been sustained by the said Hulbert, for which the state is justly and legally liable, then they shall make a just and equitable award therefor, to the said Jerome B. Hulbert.

Canal ap-
praisers
may hear
and deter-
mine alleg-
ed claim.

§ 2. The treasury shall pay, on the warrant of the auditor of the canal department, such sum as shall be awarded to the claimant, in pursuance of this act, out of any moneys appropriated to the payment of canal repairs upon the Black River canal.

Treasurer
to pay
award on
warrant of
auditor.

Chap. 410.

AN ACT to incorporate the Abyssinian Baptist Church of the city of New York.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Body
corporate.

SECTION 1. George H. Dixon, Peter Wilson, Jacob Day, George S. Roberts, Henry Burke, and such other persons as now are associated, or may hereafter associate with them, and their successors are hereby constituted a body corporate or politic, by the name of "The Abyssinian Baptist Church, of the city of New York."

Manage-
ment vested
in board of
trustees.

§ 2. The management, direction and control of said corporation and the interests thereof, shall be vested in a board of trustees, nine in number, five of whom shall be elected in accordance with the provisions of the "Act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, by said church; and of the remaining four, one shall be elected by the First Baptist church, by the members thereof; one by the Tabernacle Baptist church, by the members thereof; one by the Berean Baptist church, by the members thereof, and the fourth by the Stanton street church, by the members thereof, in such manner as said churches shall designate and adopt. The said board of trustees shall be elected on the first Tuesday in May of each year, and shall hold their office until the first Tuesday in May the next. In case any of the said churches shall fail or neglect to elect a trustee or trustees in the manner and at the times herein mentioned, they may elect at any subsequent time, and in the meantime, the trustee or trustees last elected, shall hold over until his successor be elected.

Corpora-
tion not to
convey real
estate or
incur debts
without
concurrence
of trustees.

§ 3. The said corporation shall have no power to convey, or in any way encumber any of the real estate or other property that shall belong to said corporation, except by the concurrence of at least seven of the board of trustees; nor shall said corporation have power to contract or incur debts, except for the ordinary purposes

of church worship, without the concurrence of at least seven of the said board of trustees.

§ 4. The said corporation shall possess the general powers, except as herein modified and restricted, and be subject to the general restrictions and regulations contained in the "Act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and the acts amendatory thereof.

General powers.

§ 5. This act shall take effect immediately.

Chap. 411.

AN ACT to authorize the appraisal and payment of canal damages to Patrick Rogers:

Passed April 16, 1869; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to hear and determine the alleged claim of Patrick Rogers for injury done to his store, situated on lot number eighty, Broad street, in the village of West Troy, in Albany county, by leakage from the canal, occasioned by the removal of the slope wall and clay puddling, and substituting a dock of square timber, in the winter and spring of the year one thousand eight hundred and fifty-two, and for such injury, if any, award such sum as they may deem just and reasonable, not exceeding the sum of five hundred dollars.

Canal appraisers to hear and determine alleged claim.

SECTION 2. The state treasurer shall pay, on the warrant of the auditor of the canal department, the sum awarded to said claimant, in pursuance of the first section of this act, out of any money in the treasury appropriated or to be appropriated to the payment of canal damages.

Treasurer to pay award on warrant of auditor.

Chap. 412.

AN ACT for the relief Zenas Greene.

Passed April 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal
appraisers
to examine
claim.

SECTION 1. The canal appraisers are hereby authorized and required to examine the claim of Zenas Greene, of the town of Danube, and county of Herkimer, for damages alleged to have been sustained by him, by the obstruction of the Noandaga (or Indian Castle creek), by which said creek was turned from its channel on the eighth day of March, one thousand eight hundred and fifty-nine, and in case they shall find that the state is justly liable for such damages, to make such award therefor as shall be just and equitable, which award shall be subject to the same right of appeal to the canal board by either party as in other cases.

Treasurer
to pay
award on
warrant of
auditor.

§ 2. The treasurer shall pay on the warrant of the auditor of the canal department, out of any moneys in the treasury appropriated to the canals, such sum, if any, as shall be awarded under the provisions of this act.

§ 3. This act shall take effect immediately.

Chap. 413.

AN ACT authorizing the appraisal and payment of damages to David Jones.

Passed April 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal
appraisers
may hear
and deter-
mine claim.

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers to hear and determine the alleged claim of David Jones, of Boonville, Oneida county, for damages occasioned by a break or giving away of a waste weir on the ninth day of May, eighteen hundred and fifty-eight, opposite the premises of said David Jones, in the town of Boonville, Oneida county. If, upon exami-

nation, it shall appear that damages have been sustained by the said David Jones, for which the state is justly or legally liable, then they shall make a just and equitable award therefor to the said David Jones.

SECTION 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as shall be awarded to the claimant in pursuance of this act, out of any moneys appropriated to the payment of canal repairs upon the Black River canal.

Treasurer
to pay
award on
warrant of
auditor.

Chap. 414.

AN ACT to authorize the appraisal and payment of canal damages to Richard H. Hoff.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to hear, examine and determine the claim of Richard H. Hoff, for damages alleged to have been sustained by him by reason of the construction of an embankment of earth in front of and near his dwelling-houses and buildings owned by him, in the village of Port Byron, Cayuga county, on the Erie canal enlargement, during the year one thousand eight hundred and fifty-eight, and if damages have been sustained by the person above named, from the cause stated, which in the judgment of the canal appraisers the state ought to pay, and which have not been paid, the appraisers shall proceed to make such award therefor, in each case, as in their judgment shall be just and equitable. The award of the canal appraisers shall be subject to appeal to the canal board, as in other cases.

Canal
appraisers
to examine
and deter-
mine claim.

SECTION 2. The treasurer shall pay, on the warrant of the auditor, to the above named persons, such sum, if any, as may be awarded under this act, out of any moneys in the treasury appropriated or to be appropriated to the Erie canal enlargement.

Treasurer
to pay
award on
warrant of
auditor.

SECTION 3. This act shall take effect immediately.

Chap. 415.

AN ACT for the appraisal and payment of canal damages to Jonathan Nelson and William W. Barker.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal appraisers may examine and determine claim.

SECTION 1. The canal appraisers are hereby authorized and required to examine and determine the claim of Jonathan Nelson and William W. Barker (being the firm of Nelson & Baker), of the town of Brighton, county of Monroe, for alleged damages in their lands situated in said town of Brighton, and adjoining the Erie canal, which occurred on or about the twentieth day of May, eighteen hundred and fifty-seven, and if it shall appear that any damages have been sustained from the said break, in consequence of the banks being insecure, then the said appraisers shall award such sum therefor as to them shall seem just and equitable; such appraisal and award, if any be made, shall be subject to appeal to the canal board as in other cases.

Treasurer to pay award on warrant of auditor.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such damages as may be awarded under and by virtue of this act, out of any moneys in the treasury appropriated, or that may be appropriated to the enlargement of the Erie canal.

§ 3. This act shall take effect immediately.

Chap. 416.

AN ACT authorizing the appraisal and payment of canal damages to Nicholas I. Schermerhorn.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal appraisers to hear and

SECTION 1. The canal appraisers are hereby authorized and required to hear and examine into the claim of

Nicholas I. Schermerhorn, of the town of Rotterdam, Schenectady county, for damages which he alleges were sustained by him in the month of July, A. D. eighteen hundred and fifty-eight, by reason of a breach in the Erie canal adjacent to his lands in said town of Rotterdam. In case the said appraisers, in such examination, shall find and ascertain that the said Nicholas I. Schermerhorn hath, by reason of such breach, sustained any damages, for which he is equitably and justly entitled to compensation from this state, then the said appraisers are hereby authorized and required to ascertain and award the amount of damages, only for which they find he is justly and equitably entitled to compensation from this state; and it is hereby further provided and directed, that such finding and appraisal, and the award thereon, shall be subject to the provisions of the Revised Statutes in relation to the appraisal of damages in other cases, and subject to the like appeal as in other cases.

determine
claim.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, any sum that may be awarded to the said Nicholas I. Schermerhorn in pursuance of the first section of this act, out of any money in the treasury appropriated or to be appropriated to the payment of canal damages.

Treasurer
to pay
award on
warrant of
auditor.

Chap. 417.

AN ACT for the appraisal and payment of canal damages to Samuel P. Gould.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to examine and determine the claim of Samuel P. Gould, of the town of Brighton, county of Monroe, for alleged damages to his lands, situated in said town of Brighton and adjoining the Erie canal, which occurred on or about the twentieth day of June, eighteen hundred and fifty-seven, and if it shall appear that any damages have been sustained from the said break, then

Canal
appraisers
to examine
and deter-
mine claim.

the said appraisers shall award such sum therefor as to them shall seem just and equitable; such appraisal and award, if any be made, shall be subject to appeal to the canal board, as in other cases.

Treasurer
to pay
award on
warrant of
auditor.

SECTION 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such damages as may be awarded under and by virtue of this act, out of any moneys in the treasury appropriated, or that may be appropriated, to the enlargement of the Erie canal.

SECTION 3. This act shall take effect immediately.

Chap. 418.

AN ACT for the relief of David Wagner.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal
appraisers
to hear and
determine
claim.

SECTION 1. The canal appraisers are hereby authorized and required to examine the claim of David Wagner, for constructing a culvert over the tail race of Collins mill, at Eagle Harbor, in the county of Orleans, which the said Wagner claims was not included in his contract for constructing culverts on section number three hundred and ten to three hundred and fifteen, inclusive, on the western division of the Erie canal enlargement, in the years eighteen hundred and fifty-five and eighteen hundred and fifty-six, and to award to the said Wagner such sum as they shall deem just and reasonable, for extra labor (if any) which he, the said Wagner, claims that he performed in constructing the culvert aforesaid, and for which he also claims he has not been paid.

Treasurer
to pay
amount on
warrant of
auditor.

SECTION 2. The treasurer shall pay to the said David Wagner, upon the warrant of the auditor of the canal department, such sum as shall be awarded to him in pursuance of the first section of this act.

Chap. 419.

AN ACT for the relief of Melissa P. Lewis for canal damages.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers, to hear and determine the claim of Melissa P. Lewis, for damages claimed to have been sustained by her, in consequence of the raising of an embankment for a bridge across the enlarged Erie canal, in part of her village lot, on the east side of Main street, in the village of Albion, and to make such award thereon, as in their judgment shall be deemed just and reasonable, subject to an appeal to the canal board, as in other cases.

Canal
appraisers
to hear and
determine
claim.

SECTION 2. The treasurer shall pay on the warrant of the auditor of the canal department, such sum, if any, as shall be awarded and finally liquidated, as provided for by the preceding section of this act, out of any moneys in the treasury appropriated to the Erie canal enlargement.

Treasurer
to pay
award on
warrant of
auditor.

Chap. 420.

AN ACT for the relief of Thomas F. Woodworth.

Passed April 16, 1859; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board is hereby authorized and required to hear the claim of Thomas F. Woodworth, for damages, if any have been incurred by him, by the falling of a canal bridge on the Champlain canal, near the village of Stillwater, and award to him such sum therefor as shall be just and equitable, if in their opinion, from the evidence, the state is liable therefor.

Canal
board to
hear claim.

§ 2. The treasurer shall pay, on the warrant of the

Treasurer
to pay

award on
warrant of
comptroller

comptroller, such sum, if any shall be awarded, from any funds appropriated, or to be appropriated for canal repairs, under the provisions of the first section of this act.

§ 3. This act shall take effect immediately.

Chap. 421.

AN ACT conferring jurisdiction upon the Canal Appraisers to examine the claims of James Woodward, William Robbins, Benjamin W. Witcher, parent and guardian of Alice Witcher, an infant, and Jabez Clark.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal
appraisers
to examine
claims.

SECTION 1. Jurisdiction is hereby conferred upon the canal appraisers, and they are authorized to examine the claims of James Woodward, Jabez Clark, William H. Chandler, Benjamin W. Witcher (parent and guardian of Alice Witcher, an infant), and William Robbins. all of the town of Whitestown, in Oneida county, for damages alleged to have been sustained by them respectively, by reason of the flowing of their cellars, lands, gardens and grounds, with water from the Erie canal, through the bank of the same, occasioned by the enlargement of the said canal; and if, upon examination, it shall satisfactorily appear that the aforesaid persons, or either of them, have sustained damages as alleged, from the cause alleged, for which, in their opinion, the state is liable and ought to pay, they shall then make such award, in each particular case, as in their opinion shall be just and equitable.

Treasurer
to pay
award on
warrant of
auditor.

SECTION 2. The treasury shall pay, upon the warrant of the auditor of the canal department, to the said parties. or to either of them, such award as may be made by the appraisers under the provisions of this act, out of any moneys in the treasury appropriated, or which may hereafter be appropriated, to the payment of canal damages.

SECTION 3. This act shall take effect immediately.

Chap. 422.

AN ACT for the relief of the legal representatives of Eleanor Swart, for canal damages.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby required to hear and determine the claim of the legal representatives of Eleanor Swart, for damages on account of the taking and appropriating certain lands belonging to the estate of the said Eleanor Swart, on or about the year eighteen hundred and forty-eight, for the Erie canal enlargement, in the town of Florida, Montgomery, and to make such award thereon as in their judgment shall be just and equitable, subject to an appeal to the canal board as in other cases.

Canal appraisers to hear and determine claim.

SECTION 2. The treasurer shall pay on the warrant of the auditor of the canal department, such sum (if any) as shall be awarded by virtue of the first section of this act, out of any moneys appropriated to the Erie canal enlargement.

Treasurer to pay on warrant of auditor.

Chap. 423.

AN ACT to authorize the canal board to hear and determine the claims of George W. Bullard for the loss of his canal boat.

Passed April 16, 1859; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board are hereby authorized to hear and determine the claim of George W. Bullard, for the loss of canal boat C. Hollister, of New York, in June, eighteen hundred and fifty-eight, by being carried through a break on the Erie canal, at or near Pittsford, if it shall appear upon due proof that the loss of said boat was occasioned by negligence on the part of the

Canal board to hear and determine claim.

officers in charge of the canal, and not by want of proper care or by the negligence of any person having charge of said boat, they shall award such damages as in their opinion shall be just and equitable.

Auditor to
draw his
warrant for
award

§ 2. The auditor shall draw his warrant on the treasurer to pay the amount awarded under the first section of this act, out of any moneys appropriated or to be appropriated for the repairs of the Erie canal.

Chap. 424.

AN ACT for the relief of the contractor on section number one hundred and thirty-seven of the Erie canal enlargement.

Passed April 16, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Canal
board to
examine
claim.

SECTION 1. The canal board shall examine the claim of John J. Wiles, contractor for the construction of section number one hundred and thirty-seven of the Erie canal enlargement, for damages sustained by him in consequence of the closing up, by the state authorities, of a culvert under the old canal and turning the water therefrom upon said section while he was constructing the same ; and in case they shall find that the state is justly liable for such damages to make such award therefor as shall be just and equitable.

Treasurer
to pay
award on
warrant of
auditor.

§ 2. The treasurer shall pay, on the warrant of the auditor, out of any moneys appropriated for the Erie canal enlargement, such sum, if any, as shall be awarded under the provisions of this act.

§ 3. This act shall take effect immediately.

Chap. 425.

AN ACT to authorize the appraisal and payment of damages to Adam Dominick and others.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required to hear the claims that have been already filed in their office, or which may be hereafter filed within one year from the passage of this act, of persons ~~and parties for damages alleged to have been sustained~~ by them, to their lands and other property, in the vicinity of Oneida lake, by means of the erection of a dam on the Oneida river, at or near Caughdenoy, by the ~~state~~; with the same effect as if the said claims had been filed within the time prescribed by law, after the accruing of the damages aforesaid.

Canal
appraisers
to hear
claim.

Chap. 426.

AN ACT to amend an act entitled "An act in relation to dividends to stockholders of academies and other institutions of learning, and the distribution of the public funds to the same," passed April fifteenth, eighteen hundred and fifty-seven.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act in relation to dividends to stockholders of academies and other institutions of learning, and the distribution of the public funds to the same," passed April fifteenth, eighteen hundred and fifty-seven, is hereby amended by striking out sections one and two and substituting in lieu thereof the following words: "No academy or institution of learning shall hereafter pay to its stockholders, shareholders, or other persons claiming rights of ownership

Act
amended.

No divi-
dends to
be paid
while there
is any out-

standing indebtedness.

therein, any dividends, or any portion of its earnings or other income, from whatever source derived, while there is any outstanding indebtedness against the said academy or institution. All moneys received by any academy or other institution, in the annual distribution of the literature and United States deposit funds, shall be applied exclusively, by the trustees of such academy or institution, towards paying the salaries of teachers, and shall not, in any case, make a part of any dividend to stockholders, shareholders, or other persons claiming rights of ownership therein.

SECTION 2. This act shall take effect immediately.

Chap. 427.

AN ACT to provide for the opening of certain streets in the city of Brooklyn.

Passed April 16, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Common council may limit proceedings relative to opening street.

SECTION 1. The common council of the city of Brooklyn are hereby authorized to continue, complete and finish the proceedings now pending for the opening of Third and Fourth streets, in the eastern district of said city, and in that part thereof formerly known as the village of Williamsburgh; and for that purpose and to that end the county court of Kings county, or the supreme court at special term in said county, shall, upon the application of said common council, or their legal representative, appoint upon each of said streets three commissioners of assessments, who shall be vested with all the powers and authority of any or all the assessors of the late village of Williamsburgh, in respect to opening streets in said late village, and all the power and authority necessary to make a valid assessment upon the real estate and property benefited by the opening of said streets, respectively, of all damages awarded by the commissioners of estimate heretofore appointed upon said streets, respectively, together with all costs, expenses, charges and disbursements in any

way incurred in the proceedings now pending for the opening of said streets, respectively, which shall be taxed, allowed or adjusted by the county judge or clerk of said county; such damages, costs, expenses and charges, as ascertained, determined or allowed, together with the necessary fees, expenses and disbursements of the commissioners appointed by virtue of this act, being hereby declared to be the amount to be assessed by said commissioners upon the property benefited by the opening of said streets, respectively; and the same, when laid and assessed by said commissioners appointed by virtue hereof, shall be a valid assessment, to all intents and purposes, and shall be levied and collected by sale or otherwise, in the same manner as other assessments for opening streets in said city.

§ 2. The common council aforesaid, or in case of neglect by them, the commissioners appointed by virtue of this act, may fix and determine the district upon which such damages shall be assessed; and such damages, costs and expenses shall be assessed, levied and collected from the property embraced within such district, in the amounts and proportions to be determined by said commissioners.

Damages to
be assessed.

§ 3. Public notice of the intended application for the appointment of such commissioners shall be published for two weeks in two of the newspapers in said city, and all the proceedings of said commissioners shall be subject to review, alteration and correction by the county court of said county, or the supreme court at special term; provided an appeal therefrom to said court is taken after said commissioners shall have filed reports of their proceedings upon said streets respectively, as is now required by section twelve, title four of an act entitled "An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same," passed April seventeenth, eighteen hundred and fifty-four. And it is herein and hereby provided, that from and after the first filing of said reports, as aforesaid, for the purposes of reviews and appeals and amendments, and all subsequent proceedings affecting said reports, and in relation to said improvements, and the collection of the assessments therefor, and the pay-

Notice to be
given.

ments of the expenses and award certified by said reports, the provisions of said title four of said act shall apply to the proceedings under this act.

Repeal.

§ 4. An act entitled "An act to provide for the opening of certain streets in the city of Brooklyn," passed April fourteenth, eighteen hundred and fifty-eight, is hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 428.

AN ACT to amend certain sections of the Code of Procedure.

Passed April 16, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sub. 1 of
§ 184
amended.

SECTION 1. The first subdivision of section one hundred and thirty-four of the Code of Procedure is hereby amended by adding thereto the following words: "Or where such service shall be made within this state personally upon the president, treasurer, or secretary thereof."

§ 172
amended.

SECTION 2. Section one hundred and seventy-two of the Code of Procedure, as heretofore amended, is hereby further amended by inserting in the third line of said section, after the words "proceedings already had," the following words: "at any time within twenty days after it is served, or."

Sub. 4 of
§ 237
amended.

SECTION 3. Subdivision four of section two hundred and thirty-seven of the Code of Procedure is hereby amended by adding, after the words "proceeds thereof to the payment of the judgment," the following words:

"At the expiration of six months from the docketing of the judgment, the court shall have power, upon the petition of the plaintiff, accompanied by an affidavit, setting forth fully all the proceedings which have been had by the sheriff since the service of the attachment, the property attached and the disposition thereof, and also the affidavit of the sheriff that he has used diligence and endeavored to collect the evidences of debt in his

hands so attached, and that there remains uncollected of the same any part or portion thereof, to order the sheriff to sell the same upon such terms and in such manner as shall be deemed proper. Notice of such application shall be given to the defendant or his attorney, if the defendant shall have appeared in the action. In case the summons has not been personally served on the defendant, the court shall make such rule or order as to the service of notice and the time of service as shall be deemed just."

SECTION 4. The first sentence of section two hundred and fifty-six of the Code of Procedure, as heretofore amended, is hereby amended so as to read as follows: § 256 amended.

"At any time after issue, and at least fourteen days before the court, either party may give notice of trial."

SECTION 5. Section two hundred and seventy-two of the Code of Procedure, as amended by chapter three hundred and ninety-two of the Laws of eighteen hundred and fifty-two, is hereby amended, by inserting after the words "amendments to any pleadings," in the fourth line, the following words: "and to the summons." § 272 amended.

SECTION 6. Section two hundred and ninety-two of the Code of Procedure, as amended by chapter three hundred and six of the Laws of eighteen hundred and fifty-eight, is hereby amended by adding, after the words "as are provided upon the return of an execution," the following words: "Whenever it shall satisfactorily appear, by affidavit, to a justice of the supreme court that such county judge, or judge of said court of common pleas, is incapacitated from acting in any of the proceedings whatever, herein authorized, from any cause or causes whatsoever, such justice of the supreme court shall have the same powers and authority, in all cases whatever, as are herein conferred upon him as to cases of judgments in the supreme court." § 292 amended.

SECTION 7. Section three hundred and seven of the Code of Procedure, as amended, is hereby further amended by adding to the last clause of the first subdivision of said section the words: "Except in actions for the foreclosure of a mortgage, the allowance for additional defendants is limited to ten such defendants, and in other cases to five such defendants." § 297 amended.

SECTION 8. The last clause of section three hundred § 302 amended.

and nine of the Code of Procedure, as heretofore amended, is hereby amended so as to read as follows:

"In difficult and extraordinary cases, when a trial has been had, except in any of the actions or proceedings specified in section three hundred and eight, the court may also, in its discretion, make a further allowance to any party, not exceeding five per cent, upon the amount of the recovery or claim, or subject matter involved."

§ 399
amended.

SECTION 9. Section three hundred and ninety-nine of the Code of Procedure, as heretofore amended, is hereby amended so as to read as follows:

Section 399. A party to an action or proceeding may be examined as a witness in his own behalf the same as any other witness, but such examination shall not be had, nor shall any other person, for whose immediate benefit the same is prosecuted or defended, be so examined unless the adverse party or person in interest is living, nor when the opposite party shall be the assignee, administrator, executor or legal representative of a deceased person. And when in any action or proceeding the opposite party shall reside out of the jurisdiction of the court, such party may be examined by commission issued and executed as now provided by law; and whenever a party or person in interest has been examined under the provisions of this section, the other party or person in interest may offer himself as a witness in his own behalf and shall be so received. When an assignor of a thing in action or contract is examined as a witness on behalf of any person deriving title through or from him, the adverse party may offer himself as a witness to the same matter in his own behalf, and shall be so received, and to any matter that will discharge him from any liability that the testimony of the assignor tends to render him liable for; but such assignor shall not be admitted to be examined in behalf of any person deriving title through or from him against an assignee or an executor or administrator, unless the other party to such contract or thing in action whom the defendant or plaintiff represents is living, and his testimony can be procured for such examination, nor unless at least ten days' notice of such intended examination of the assignor shall be given in writing to the adverse party.

Sub. 3 of

§ 10. The third subdivision of section four hundred

and one of the Code of Procedure is hereby amended so as to read as follows : § 401
amended.

Orders made out of court without notice, may be made by any judge of the court, in any part of the state, and they may also be made by a county judge of the county where the action is triable, or by the county judge of the county in which the attorney for the moving party resides, except to stay proceedings after verdict.

§ 11. Section three hundred and thirty-five of the Code of Procedure is hereby amended by adding, at the end thereof, as follows: "Whenever it shall be made satisfactorily to appear to the court that since the execution of the undertaking the sureties have become insolvent, the court may, by rule or order, require the appellant to execute, file and serve a new undertaking, as above; and in case of neglect to execute such undertaking within twenty days after the service of a copy of the rule or order requiring such new undertaking, the appeal may, on motion to the court, be dismissed with costs."

§ 12. Section three hundred and forty-eight of the Code of Procedure is hereby amended by inserting, after the words "court of appeals," when they first appear in said section, the words "and such security be renewed, as in cases required by section three hundred and thirty-five, on motion to the court at special term."

§ 13. Section four hundred and twelve of the Code of Procedure is amended by adding thereto the following words: "Except service of notice of trial, which may be made sixteen days before the day of trial, including the day of service."

§ 14. Section thirteen of the Code of Procedure is hereby amended by adding to the first sentence the following words: "But the judges of said court may, in their discretion, appoint one of said terms in each year to be held in the city of New York."

Chap. 429.

AN ACT for the relief of the trustees of the Onondaga Academy.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May apply
funds
towards
payment
of debt.

SECTION 1. The trustees of the Onondaga Academy are hereby authorized and empowered to apply any funds in their hands, derived from the people of this state, under the provisions of an act passed April twentieth, eighteen hundred and twenty-five, entitled "An act for the relief of the trustees of the Onondaga academy," towards the payment of the debt incurred by said trustees in the erection of their new academy building.

§ 2. This act shall take effect immediately.

Chap. 430.

AN ACT to pay Edward Roggen for certain water privileges taken for the canals.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Treasurer
to pay
money on
warrant of
auditor.

SECTION 1. The treasurer shall pay, upon the warrant of the auditor of the canal department, to Edward Roggen, the sum of five hundred and ninety-seven dollars and sixty cents, out of any moneys of the canal fund not otherwise appropriated, for damages sustained by said Edward Roggen, by reason of the diversion of waters from Johnson and Seymour's race, in Rochester.

SECTION 2. This act shall take effect immediately.

Chap. 431.

AN ACT to revise the Charter of the city of Auburn.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE 1.

BOUNDARIES AND CIVIL DIVISIONS.

SECTION 1. The district of country in the county of Cayuga, now comprised within the city of Auburn, and bounded on the north by Sennett, and east by Sennett and Owasco, on the south by Owasco and Fleming, and on the west by Aurelius, shall continue to be a city by the name of Auburn. Limits of city.

§ 2. The said city shall be divided into four wards, as follows: That part which lies east of the middle of North street and the middle of the Owasco river, shall be the first ward; and that part south of the middle of Genesee street and west of the middle of the Owasco river, shall be the second ward; that part north of the middle of Genesee street, south of the middle of the Owasco river, shall be the third ward; and that part west of the middle of North street, and north of the middle of the Owasco river, shall be the fourth ward; and each of said wards, except as is in this act otherwise provided, shall be considered as towns of the county of Cayuga. 1st ward.
2d ward.
3d ward.
4th ward.

TITLE 2.

CORPORATE NAME AND POWERS.

§ 1. The inhabitants residing in the city shall be a corporation, under the name and style of the city of Auburn. Name and style.

§ 2. By that name the said corporation shall have power to sue and be sued, complain and defend in any court; make and use a common seal, and alter it at pleasure; receive by gift, grant, devise, bequest or purchase, and hold and convey such real and personal estate as the purposes of the corporation may require; and Powers.

shall be vested with, and have like power to hold and convey, all the real and personal estate now owned and possessed by the "mayor and common council of the city of Auburn."

TITLE 3.

CITY AND WARD OFFICERS, AND THEIR ELECTION.

Officers.

§ 1. The officers of the said city shall consist of one mayor, eight aldermen, four supervisors, four assessors, one police justice, three justices of the peace, one treasurer, one collector, one overseer of the poor, one city clerk, four constables, and such other officers as are hereinafter authorized to be appointed.

Election, when to be held.

§ 2. An election shall be held in each of the wards of said city on the first Tuesday in March, in each and every year hereafter, at such places as the common council shall appoint, and of which six days' previous notice shall be given, by posting written or printed notices of the same in at least two public places in each ward, signed by the inspectors.

Officers to be elected at charter election.

§ 3. At such election there shall be elected one alderman, one supervisor, one constable, and three inspectors of election for each ward; and there shall also, at the first election held under this act, be elected one assessor for each ward, and the assessors so elected in the first and third wards shall be elected for the term of two years, and those elected in the second and fourth wards shall be elected for the term of one year, and thereafter assessors shall be elected for the term of two years, two assessors being elected each alternate year in the odd and even wards; and one mayor, one clerk, one overseer of the poor, one justice of the peace (except that in the year eighteen hundred and sixty, and in every fourth year thereafter, there shall be no justice of the peace elected except to fill a vacancy), one collector, and in the year eighteen hundred and sixty, and in every fourth year thereafter, one police justice for said city.

Inspectors of election.

§ 4. The first election under this act shall be held by the inspectors of elections already elected in the several wards of the city of Auburn.

Ibid.

§ 5. Inspectors of elections so elected under this act, as aforesaid, shall be inspectors of elections held in said wards respectively, as well for the election of state and

county, as for city and ward officers; and in case of the death, inability or refusal of any such inspector to act, the common council may thereafter appoint one other in his place, and file a certificate of such appointment with the city clerk; and the person thus appointed shall be inspector for the ward for which he was appointed.

§ 6. The inspectors of elections in their respective wards, after organizing according to law, and taking the constitutional oath of office, shall appoint two clerks of the polls, who shall take the aforesaid oath of office, to be administered by one of said inspectors.

Clerks of
polls.

§ 7. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal the contents, to one of the inspectors, in presence of the board. The ballot shall be a paper ticket, which shall contain, written or printed, or partly written or partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office than there are persons to be chosen at the election to fill such office. On the outer side of each ballot, when folded, there shall appear, written or printed, one of the following words: "ward," "city;" but no ballot found in the proper box shall be rejected for want of such indorsement.

Vote by
ballot.

§ 8. The ballot indorsed "ward" shall contain the names of the persons designated by the elector for the office of alderman, supervisor, assessor, constable or inspector of election, any or either of them. The ballot indorsed "city" shall contain the names of the persons designated for the offices of mayor, clerk, police justice, justice of the peace, overseer of the poor and collector, any or either of them, to be chosen at such election, and such ballots shall be deposited in separate boxes, to be provided by the common council for that purpose, with locks and keys, as provided by law in respect to the election of state officers.

Ballots
indorsed
"ward,"
what to
contain,
Ib. "city."

§ 9. The polls of such election shall be open at eight o'clock in the forenoon and be continued open until five o'clock in the afternoon of the same day, and no longer. The poll list shall be kept in the manner, as nearly as

Polls, when
to be open-
ed and
closed.

may be, as is provided by law for keeping the poll lists at general state elections.

Who may
vote.

§ 10. Every person entitled by the constitution and laws of this state to vote for member of assembly, who shall have been for the last thirty days a resident of the city, or of the ward from which the ward officer is to be chosen for whom he offers his vote, shall be entitled to vote in the ward of which he is an actual resident, for any of the officers to be chosen at such election, and not elsewhere.

Challenges.

§ 11. Every person offering to vote at such election may be challenged in the same manner as at a general election for state officers, and the same proceedings had thereon as are or shall be prescribed by law in relation to general elections, so far as the same shall be applicable to a charter election.

Votes to be
canvassed
on same
day as
election.

§ 12. After the poll of any such election is closed, the inspectors holding the same in each of the said wards, shall on the same day canvass the votes given at such charter election, which canvass shall be public, and be conducted in the same manner as canvasses at general elections are required to be conducted, except that only one statement of the result shall be drawn up and signed by the inspectors. Such statement shall be certified to be correct by the inspectors, and be immediately delivered to the clerk of said city, to be filed by him in his office; and the said inspectors shall determine and certify, in writing, who are, by the greatest number of votes, elected aldermen, supervisors, assessors, constables and inspectors of their respective wards.

Statement
to be ver-
ified by
inspectors.

City clerk
to deliver
statement of
to common
council.

§ 13. The clerk shall deliver such statement and certificate to the common council at their first meeting, which shall be the first Thursday next after the annual election in each year; who shall, upon such statements and certificates, proceed and declare what persons have been duly elected to the office of mayor, clerk, police justice, justice of the peace, collector, and overseer of the poor, or any or either of them; and the persons having the greatest number of votes in the whole city for the last mentioned offices, shall be declared to be duly elected; and thereupon the said common council shall make and sign a certificate of their determination, and file the same with the clerk of said city.

§ 14. Upon the determination by the board of canvassers of the result of any election hereinbefore directed to be held, it shall be the duty of the clerk of the city of Auburn to notify every person so elected of his or their election, and shall also notify all persons appointed to any office by the common council of their respective appointments, within twenty-four hours after any appointment shall have been made by the common council.

Upon determination of result, persons elected to be notified.

§ 15. If any person elected or appointed to any office mentioned in this act shall not, within five days after having been personally notified of his election, take and subscribe the constitutional oath of office, before some proper officer, and file the same with the clerk of the city, the common council may treat such neglect or omission as a refusal to serve, and may provide forthwith for filling such vacancy by election or appointment, as herein-after directed.

Neglect to take oath of office within five days, office considered vacant.

§ 16. Any person elected to any office in pursuance of this act, who shall refuse or neglect to accept such office, and to subscribe the oath of office prescribed by article twelve of the constitution, for five days after personal notice, in writing, from the clerk, of his election, shall forfeit the sum of ten dollars.

Penalty for neglect or refusal.

§ 17. If at any election authorized by this act, the mayor, clerk, supervisors, aldermen, police justice, or justices of the peace, shall not have been chosen, by reason of two or more candidates having received an equal number of votes for the same office, the common council shall, within five days from such election, order a special election, and cause a notice thereof, specifying the time and place of such special election and the officers to be elected thereat, to be posted as hereinbefore directed, at least six days previous to the holding of such election. The inspectors thereof shall, pursuant to such notice, proceed to open and to hold such election, canvass the votes, and make return thereof, in all respects as hereinbefore directed to be done at an annual election. The election of all other elective officers who shall have received an equal number of votes for the same office, shall be determined by lot between theseveral candidates, in presence of the mayor and clerk, and at a regular meeting of the common council.

In case of a tie between certain officers, new election to be ordered.

§ 18. All officers elected or appointed to any office un-

Officers to be elected

or appointed annually.

der, or by virtue of this act shall be elected or appointed annually, except the police justice and justices of the peace, who shall be elected for four years, and aldermen and assessors, who shall be elected for two years. The term of office of all elective officers under this act, except police justice and justices of the peace, shall expire on the first Monday after each annual election; yet all officers elected or appointed by the common council shall continue in office until their successors shall have taken the constitutional oath of office. The police justice elected at any subsequent election shall enter on the duties of his office on the fifteenth day of April next after his election; and any justice of the peace elected at any subsequent election shall enter on the duties of his office on the first Monday in January next after his election, and the police justice and the said justices of the peace shall hold their offices for four years after they shall so enter upon the same, except when elected to fill a vacancy, and may be removed from their offices in the same manner as justices in towns.

Officers heretofore elected to continue in office during their respective terms.

§ 19. All officers heretofore elected at any election for the city of Auburn, or for any ward therein, shall continue to exercise the duties of their respective offices in said city or ward, until the expiration of the terms for which they were respectively elected.

Vacancies.

§ 20. Vacancies in the office of mayor, clerk, aldermen, justice of the peace, police justice, or supervisor, occurring in any manner, may be filled at a special election ordered by the common council, and conducted in the same manner as an annual charter election. Vacancies in all other offices shall be filled by the common council. All appointments, to fill a vacancy or otherwise, by the common council, under this act, shall be by warrant under the corporate seal, signed by the mayor or presiding officer and clerk.

Eligibility.

§ 21. No person shall be eligible to either of the offices enumerated in this act, unless he shall be a resident elector of said city; nor to either of the ward offices herein enumerated, unless he shall be a resident of the ward for which such officer is to be chosen; and whenever any person elected to any city or ward office shall remove from said city, or from the ward for which he shall have been so elected, his office shall thereupon be deemed and held to be vacant.

TITLE 4.

OF THE COMMON COUNCIL—ITS POWERS AND DUTIES.

§ 1. The mayor and aldermen of the said city shall constitute the common council, which shall meet at the public hall in said city annually, on the first Monday next after the annual election in each year, and at such other times as they shall by resolution direct. At all meetings of the common council, the mayor, when present, shall preside, and when he is not present, any one of the aldermen may be called to the chair.

Common council.

The common council shall hold stated meetings at least twice in each month, and the mayor, or in his absence any three aldermen, may call special meetings, by notice in writing, served personally upon the other members of the council, or left at their place of abode.

Stated meetings.

§ 2. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the members of the council. Each member present shall have a vote, except the mayor, when presiding, who shall have only a casting vote when the votes of the other members are tied.

Quorum.

The sittings of the common council shall be public, except when the public interests shall require secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times for public inspection.

Sittings to be public, except, &c.
Minutes.

§ 3. At the annual meeting of the common council, next after the annual election in each year, it shall be the duty of such council to appoint by ballot one city treasurer, three commissioners to form a board of health, one chief engineer of the fire department and two assistants, one keeper of the city hall, one pound keeper, one or more sealers of weights and measures, one or more scavengers, and also such officers as at any such annual meeting may be required to be appointed by virtue of the provisions of chapter three hundred and forty-nine of the Laws of eighteen hundred and fifty.

Officers to be appointed at annual meeting.

§ 4. The common council shall have power to prescribe the duties and compensation or salary of all officers required to be appointed by them, under or by virtue of

Common council to prescribe duties and

compensation of officers.

this act, subject to the provisions of this act, and may remove all such persons, together with the constables and overseer of the poor, for incapacity, neglect of duty, or official misconduct, after giving such officers an opportunity of refuting such, or any charges which may be preferred against them.

Make, publish, ordain and repeal by-laws.

§ 5. The common council shall have power to make, publish, ordain, amend and repeal all such ordinances, by-laws and regulations as may be necessary to carry into full effect the power given to said council by this act; and shall have power to enforce observance of all provisions of this act, by ordaining penalties to be incurred for each and every violation of the same, not exceeding fifty dollars for any one offense, to be recovered, with costs, in an action in any court having cognizance thereof, and shall have power within said city to make, establish, publish and modify, amend and repeal rules, regulations and by-laws for the following purposes:

Public peace.

1. To prevent vice and immorality; to preserve peace and good order; to prevent and quell riots and disorderly assemblages.

Police.

2. To regulate the police of the city.

Disorderly and gaming houses

3. To restrain and suppress disorderly and gaming houses; all instruments and devices used for gaming; and to prohibit all gaming and fraudulent devices within the said city.

Intoxicating liquors to children.

4. To forbid the selling or giving away to be drank, any intoxicating liquors to any child or youth under sixteen years of age, without the consent of his or her parent or guardian.

Exhibitions

5. To prohibit, restrain and regulate all exhibitions of any natural or artificial curiosities, caravans of animals, theatrical and other shows or exhibitions, circuses or other performances for money.

Disorderly houses.

6. To suppress and restrain disorderly houses, or houses of ill-fame, billiard tables, bowling alleys and pistol galleries.

To cause removal of any unwholesome house or place.

7. To compel the owner or occupant of any grocery, tallow chandler shop, soap factory, tannery, stall, privy or sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as the same may be necessary for the

health and comfort, and convenience of the inhabitants of said city.

8. To direct the location of all slaughter-houses, markets, and houses for storing gunpowder or any combustible substance. Slaughter-houses.

9. To regulate the keeping and conveying of gunpowder, and other dangerous materials, and the use of candles and lights in barns, stables and other buildings. Gunpowder

10. To prevent horse-racing, immoderate driving in the streets of said city, and to authorize the stopping of any one who shall be guilty of immoderate riding or driving in said streets, by any person. Horse-racing.

11. To prevent the incumbering of the streets, squares, sidewalks, crosswalks, lanes and alleys, with teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, or any other substance or materials whatsoever. Incumbrances.

12. To regulate and determine the time and place of bathing and swimming in the Owasco river, mill-ponds or other waters in said city. Bathing.

13. To restrain and punish vagrants, mendicants, street beggars, and common prostitutes. Vagrants.

14. To restrain the running at large of cattle, horse and swine, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of keeping and proceedings. Cattle, &c., running at large may be impounded.

15. To prohibit any person from bringing and depositing within the limits of said city, any dead carcass, or other unwholesome substance; and to require the removal or destruction by any person who shall have on his premises any such substance, or any putrid meat, fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof, by some officer of the city. Carcasses of dead animals, putrid meat, fish, &c.

16. To compel all persons to keep snow and dirt from and off the sidewalks in front of the premises owned or occupied by them. Sidewalks.

17. To regulate the ringing of bells and the crying of goods, wares, merchandise or other commodity in the said city. Ringing of bells, &c.

18. To regulate and control the running of engines and cars through said city, so that no cars shall be propelled at a greater speed than eight miles per hour, and Running of cars.

the time that they shall be permitted to remain in any public street in said city.

Dogs running at large.

19. To regulate and prevent the running at large of dogs owned by persons residing in said city.

Infectious or pestilential disease.

20. To require the removal from the thickly inhabited parts of the city, of all persons having infectious or pestilential diseases.

Bill of mortality.

21. To direct the keeping and returning of bills of mortality.

Reservoirs.

22. To establish, make, regulate and guard public reservoirs, pumps and wells, and to prevent the unnecessary waste of water.

Weights and measures.

23. To appoint one or more examiners of weights and measures.

Watchmen.

24. To appoint watchmen, and prescribe their powers and duties.

Pounds.

25. To establish and regulate public pounds.

Peddling.

26. To regulate and restrain hawking and peddling in the streets.

Nuisances.

27. Concerning the abatement and removal of nuisances.

Lighting of streets.

28. Concerning the lighting of the streets in said city, and the protection and safety of the public lamps, and to supply the city reservoirs with water.

Officer appointed by common council.

29. Concerning the duties of all officers appointed by the common council, and their compensation.

Fire engines.

30. Concerning the management, use and protection of fire engines, hose, hooks and ladders belonging to the city.

Public buildings.

31. Concerning the public buildings, the market, and the proper regulations of sales of fresh meat, fish and vegetables within said city.

Fireworks.

32. Concerning dangerous exhibitions of fireworks, the explosion of gunpowder, and the discharge of fire-arms within said city.

Course of Owasco river to be preserved.

33. To keep open and preserve the present course of the Owasco river through said city; to prevent and punish encroachments upon the flowing waters thereof; to regulate and prevent the erection of banks, walls, abutments, buildings and other structures therein, without permission first had and obtained from the common council; and to prevent and punish any person or persons who shall cast into said river, or upon the banks thereof,

any earth, ashes, offal, dead animals, tan bark, filth, logs or rubbish.

34. To establish a watch-house within the said city, and to ordain and establish all necessary police regulations concerning the same, and the custody and keeping of the same, and to appoint a keeper thereof, whose compensation shall be fixed by the common council and paid out of the treasury. Watch-house.

35. To establish and regulate a market or markets in said city; to restrain and regulate the sale of fresh meat, fish and vegetables within said city; to license, under the hand and seal of the mayor, annually, butchers and market men; to determine whether any proposed location or private market will or will not be detrimental to the public interest, and, at discretion, to grant or refuse leave to any applicant to open a meat or fish market at any particular point in said city, and to revoke license for any infraction of the by-laws and ordinances of the common council. Markets.

36. To manage and regulate the finances, and to regulate, preserve and dispose of the property, real and personal, of the city. Finances and property of city.

37. To provide for the licensing of hackmen, cartmen, omnibus drivers and porters, to fix their charges and compensation within said city, and to designate their stands; and the said mayor and common council shall have competent authority to revoke such licenses whenever satisfactory evidence shall be made to them of any violation of the ordinances of said city, in this respect, by the holder of any such license. Hackmen, cartmen, omnibus drivers and porters.

§ 6. Every such ordinance or by-law imposing any penalty or forfeiture for violation of its provisions shall, after the passage thereof, take effect at such time as the common council shall direct, and shall be published at least two weeks successively, in a public newspaper printed and published in said city; and proof of such publication, by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths, and filed with the clerk of said city, shall be presumptive evidence of the legal publication and promulgation of such ordinance or by-law, in all courts and places. Ordinances and by-laws when to take effect.

§ 7. The common council shall have power to deter- Common council to

determine
and abate
nuisances.

mine, upon view or upon the testimony of witnesses, whether any building, slaughter-house, pig-sty, stable, privy, sewer, pool, meat market, or any other structure, substance or thing whatever, within said city is a nuisance, and to abate the same, by causing the same to be removed, by enforcing the penalty imposed by the ordinances of the council, or otherwise. But every such determination shall require the concurrent vote of all the members of the common council.

Unsafe
buildings.

§ 8. Whenever, in the opinion of the common council, any building, fence or other erection or structure of any kind, or any part thereof, within said city, is liable to fall, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same or any part thereof within a reasonable time, to be fixed by the owner, or immediately, as the case may require; or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of such building, fence or other erection. the expense whereof shall be a lien upon the materials composing such building, fence or other erection. Immediately upon the completion of the taking down of any such structure, the common council shall cause a bill of items of the expense thereof to be deposited with the city treasurer, and unless within ten days thereafter the same shall be paid, by or on account of the owner of such materials, the common council shall cause such materials, or so much thereof as may be necessary to defray such expenses and the expenses of sale, to be sold, in such manner as they shall direct, and the avails thereof to be paid into the city treasury.

Fire and
lamp
districts.

§ 9. The common council shall have power to survey and erect fire and lamp districts within said city, and to enact such ordinances and by-laws as shall be necessary to prevent the erection of combustible buildings or other structures within any fire district, and to cause to be erected and maintained, at the expense of the taxable inhabitants owning property therein, a suitable number of public lamps within the lamp district; but no property of any tax-payer shall be assessed for street lighting, except within the lamp district to be erected; the

same to be assessed according to the assessment thereof upon the last previous assessment roll of the city; and all fire and lamp districts now established within said city shall remain until altered or abolished by the common council.

§ 10. The common council shall, before acting under the foregoing section, cause a notice to be published in one or more newspapers within said city, for at least two weeks, specifying the time when the board will proceed to consider the subject or subjects mentioned in the notice.

Notice to be published.

§ 11. No ordinance or resolution passed by the common council authorizing any public improvement, or for or concerning the same, or for the payment of money by the treasurer, or for the levying of any tax, shall have any force or effect within four days from the time of its passage; but shall have force and effect thereafter, unless within said four days the mayor lodge in the office of the city clerk suspending the operation of such ordinance or resolution, and his reasons, in writing, why the same should not go into effect, in which case the same shall not go into effect, nor have any legal operation, unless it shall, at the next regular meeting of the common council, be repassed by a majority of two-thirds of all the members of the common council, exclusive of the mayor, and if so repassed, shall go into effect according to the terms thereof. If such reasons, in writing, shall not be lodged with the clerk, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the clerk. But no such ordinance or resolution shall be passed by the common council during the absence of the mayor, except by a vote of two-thirds of all the aldermen elected.

Resolutions &c., of common council, when to take effect.

Mayor may suspend operation.

TITLE 5.

CITY OFFICERS AND THEIR DUTIES.

§ 1. The mayor of the city of Auburn shall be the chief executive magistrate thereof; and it shall be his duty to be vigilant and active in causing the laws and ordinances of the city to be executed and enforced. In addition to the general powers conferred by law upon mayors of cities, he shall have authority, with force, if

Mayor, his duties.

necessary, to suppress all tumults, riots, routs and unlawful assemblages, all reveling, quarreling or other disorderly conduct, to the disturbance or annoyance of the peaceable inhabitants of said city. He is also empowered to enter any house or building which he has reasonable cause to suspect to be inhabited by persons of ill fame, or to which persons of dissolute, idle or disorderly character are suspected to resort, and if any dissolute, disorderly or vagrant persons are found assembled in or about any such house or building, may disperse such persons, if in his opinion the good order of any portion of the city require it, or may arrest such persons, and carry them before any magistrate having jurisdiction, to be dealt with according to law. And whenever he shall have reason to believe that great opposition will be made to the execution of his authority, he shall have power to call out the several companies of militia in said city, or any or either of them, and may exert all the force necessary to enable them to execute the law within the limits of said city. It shall be his duty to communicate to the common council, at the first meeting after his election, and as often thereafter as he shall deem expedient, a general statement of the affairs of the city, in relation to its finances, government and improvement, with recommendations such as he may deem proper; to exercise a constant supervision over the conduct of all subordinate officers; to receive and examine into all complaints against them for misconduct or neglect of duty, and to report the facts to the common council.

Duties of
aldermen.

§ 2: In addition to the powers conferred by law upon aldermen of cities, it shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees, when thereupon appointed by the mayor or common council; to arrest, or cause to be arrested, all persons violating the laws of the state, or the ordinances, by-laws or police regulations of the city; to report to the mayor all subordinate officers who are guilty of official misconduct or neglect of duty, and to aid in maintaining peace and good order.

Duties of
clerk.

§ 3. The clerk shall keep the corporate seal, and all the papers, books, and documents belonging to said city, and make a record of the proceedings of the common

council, whose meetings it shall be his duty to attend. He shall see that all ordinances, resolutions, notices and other matters requiring publication are promptly and correctly published in the official paper of the city, or such other papers as the common council may direct, and shall preserve and have bound, from time to time, regular files of the newspaper containing the advertisements of the city; he shall carefully index, file and arrange all books and papers for convenient use. He shall countersign all licenses granted by the common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, the date thereof, the time during which it is to be continued in force, and the sum paid for such license. He shall, within twenty-four hours after each and every meeting of the common council, make and deliver to the treasurer a certified copy of all resolutions and proceedings of the common council relating to the finances of the city. He shall perform all the duties of clerks of towns, not inconsistent with this act. Copies, printed or written, of all papers duly filed in his office, and transcripts thereof, and of the records of proceedings of the common council, and copies of the ordinances of the city, certified by him under the corporate seal, shall be evidence in all courts and places, with the like effect as the original would have if produced. In addition to the duties in this act required of him, he shall perform such other acts, in his said capacity, as may reasonably be required of him by the common council. For all his services, the city clerk shall receive an annual compensation or salary, not to exceed three hundred dollars, to be fixed by the common council. In case of the sickness, absence, or disability of said clerk to act, the common council are authorized to appoint a clerk pro tempore.

§ 4. It shall be the duty of the police justice of said city to issue process on the application of the mayor, or any alderman, for the apprehension of any person charged with having committed any felony or misdemeanor within the county, or of having violated any of the provisions of this act, or the ordinances, by-laws, or regulations passed by the common council. He shall possess all the powers and jurisdiction, and be subject to all the liabilities of justices of the peace. He shall keep his office in the

Duties of
police
justice.

central part of the said city, and shall account to the common council for all fines and costs that may be imposed and collected by him, and shall pay the same quarterly to the treasurer. He shall have exclusive jurisdiction, as against justices of the peace, in all police and criminal matters within said city. In case of sickness, absence or inability of the police justice to act, any justice of the peace of the city may perform the duties of his office for the time being. His compensation or salary as such police justice shall be fixed by the common council, at an amount not exceeding three hundred dollars per year, to be paid quarterly, for all services under the laws of the state, and the ordinances of the city, except such as are chargeable against the county of Cayuga.

Powers of supervisors

§ 5. The supervisors shall have and exercise all the powers, authority and functions of supervisors of towns, and shall respectively be members of the board of supervisors of Cayuga county, and shall be entitled to the same compensation, to be paid in the same manner.

Overseer of poor.

§ 6. The overseer of the poor shall be subject to the provisions of this act, have the same powers, and be subject to the same restrictions and liabilities as overseers of the poor in any town of Cayuga county; and for all purposes relating to the maintenance and support of the poor, the city shall be one of the towns of said county.

Commissioners of deeds.

§ 7. The common council shall have power to appoint eight commissioners of deeds for said city, to hold their offices for two years, to be appointed on the expiration of the terms of office of the present incumbents. Such commissioners of said city shall have the same power as justices of the peace in towns of this state, to administer oaths, take proofs and acknowledgments of deeds and other papers, and take affidavits, and have the same compensation as justices of the peace of towns.

Sextons.

§ 8. The sextons to have charge of the burial grounds of the city, under such rules and regulations as the common council may prescribe.

Pound keeper.

§ 9. The pound keeper to have charge of the city pound, under the direction of the common council.

Sealer of weights and measures.

§ 10. The sealer of weights and measures shall possess the like powers and be subject to the like obligations as the sealers of the several towns of the state.

§ 11. The treasurer shall receive all moneys belonging to the city, and shall keep an account of all receipts and expenditures, in such manner as the common council shall direct; and it shall be his duty to make a written or printed report to the common council of the condition of the city finances quarterly, to wit, at their first meeting in the months of April, July, October and January; and he shall exhibit, in appropriate columns in his report, the debts and liabilities of the city, in detail, and when and for what incurred, as well as the moneys in the treasury, and to what particular fund they belong; and it shall be the duty of the common council to cause the same to be published in the official paper of the city, and such other papers as the common council shall deem proper. All moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant signed by the clerk and countersigned by the mayor, or the presiding officer for the time being, of the common council. Such warrant shall specify for what purpose the amount specified therein is to be paid; and the clerk shall keep an accurate account, under the appropriate heads of expenditure, of all orders drawn on the treasury, in a check book to be kept by him for that purpose.

Duty of treasurer.

§ 12. The treasurer, before entering upon the duties of his office, shall enter into a bond to the city of Auburn, in such penal sum as may be fixed by the common council, with two or more sureties, to be approved by the common council, conditioned for the faithful discharge of the duties of his office, as prescribed by this act; which bond, when so approved and indorsed by the clerk of the city, shall be filed in the office of the clerk of Cayuga county, who shall place the same on record, as required in the case of the bonds of town collectors. Said bond shall be a lien on all the real estate of said treasurer, and of his sureties, in the county of Cayuga, and shall continue so until the conditions, together with all the costs and charges which may accrue from the prosecution thereof, shall be fully satisfied.

Treasurer to give bond with sureties.

§ 13. The assessors elected in the several wards of the city of Auburn, as herein provided, shall perform all the duties and possess all the powers conferred upon assessors in the different towns of the state, and be subject to

Powers and duties of assessors

all their obligations; and perform all the duties specified in this act in reference to the assessment of property within the city, for the purpose of levying the taxes imposed, or which may be imposed by the common council, as well as the supervisors of the county of Cayuga; on completing the assessment roll (which shall be done on or before the first day of August in each year), they shall meet together and leave the assessment roll with the city clerk; they shall then give notice, by posting handbills and publishing in the official paper or papers, that the assessment roll is completed and left at the city clerk's office, where it may be seen and examined by any person for the next three weeks, and that the assessors will attend, during the time specified in such notice, at the city clerk's office, at least two days in each week, to be specified in said notice, to review their assessment in the same manner as assessors of towns. At the expiration of the three weeks, they shall cease to correct and review said roll, and shall, within six days thereafter, have the same completed and subscribed, and deliver the same to the clerk of the city, to be by him filed, and a duplicate thereof shall be delivered by the clerk to the supervisors, to be by them delivered to the board of supervisors of the county of Cayuga. During the time the assessors are correcting and reviewing any tax or assessment, they shall have power to add to or insert in said tax or assessment roll, any property liable to taxation, and the assessment thereof, which may have been omitted therefrom, upon giving personal notice thereof to the owner or agent of such property. After the assessment roll shall have been completed in each year hereafter, and filed in the office of the city clerk, as herein provided, it shall be the duty of the common council to proceed to levy the taxes for general city purposes, rateably upon or among the owners of the estate, real and personal, incorporated companies, banks and banking associations, as appears on said assessment roll. Each assessor shall receive for his compensation one dollar and fifty cents per day.

TITLE 6.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

§ 1. The common council, in addition to the moneys authorized to be raised by an act passed April tenth, eighteen hundred and fifty, entitled "An act to regulate the free schools in the city of Auburn," shall have power to cause a sum in each year, not exceeding six thousand five hundred dollars, to be raised by tax, to defray the expenses of laying out, making and repairing highways, roads and bridges, and to defray the expenses of fire engines, engine-houses and apparatus necessary for the working of said engines, and for the construction and repairing of reservoirs of water for the use of the fire department, and for the contingent expenses of said city; and, also, the further sum of not exceeding five hundred dollars, for the payment of police expenses; also, a further sum not exceeding two thousand dollars, whenever two-thirds of the taxable inhabitants of the said city, whose names appear on the last assessment roll thereof, shall petition therefor in writing; but nothing in this section contained shall prohibit the levying and collecting of poll taxes for highway purposes, as authorized by law, nor the raising of any sum for local improvements authorized by this act, when the same shall be rated and assessed locally according to the benefits received.

Common
council may
raise money
by tax.

§ 2. It shall be the further duty of the common council in the year eighteen hundred and fifty-nine, in addition to the moneys authorized to be raised under the preceding section, to raise the further sum of one thousand dollars, to be appropriated exclusively to the extinguishment of the indebtedness heretofore incurred by the mayor and common council of the city of Auburn, in enlarging the boundaries of the public burying ground; and if there shall be any excess after extinguishing such indebtedness, the same to be appropriated to the improvement of such burying ground; and, also, the further sum of two thousand dollars, to be appropriated exclusively towards the extinguishment of the public debt of the city, other than the bonded debt upon the bonds issued in aid of the Lake Ontario, Auburn and New York Railroad Company.

Idid.

Liability of
aldermen in
certain
cases.

§ 3. In case the common council shall authorize any expenditure or appropriation for any purpose, in any year, exceeding the amount they are herein authorized to raise for such purpose, or in case, after expenditures and appropriations have been made, and liabilities incurred for any purpose, in any year, to the amount they are herein authorized to raise for such purpose, any further expenditure or appropriation for such purpose shall be made or liability incurred during such year, any alderman voting to authorize any such expenditure or appropriation, or to contract any such debt, shall be personally liable to each and every person entitled to payment, and the city of Auburn shall not be liable to pay the same; nor shall the common council audit or pay any debts so contracted, or expenditure or appropriation so made.

Taxes, how
assessed
and rated.

§ 4. All taxes assessed and levied in pursuance of the foregoing sections and this act, shall, except as hereinafter otherwise provided, be assessed and rated by the said common council upon or among the owners of the estate, real and personal, incorporated companies, banks and banking associations; and in said tax roll shall be set down and described briefly, the real estate and amount of personal property on or in the right of which any assessment or tax is imposed or assessed. And in respect to all taxes on the poll for highway purposes, it shall be the duty of the common council to cause to be added to said tax roll the name of every person returned by the assessors as being subject to a poll tax, with the sum of fifty cents, in a separate column, opposite every man's name on said roll for said poll tax.

Errors.

§ 5. Whenever there is a manifest error in the levying or extending of any tax for city purposes, the common council, on being satisfied thereof, shall have the power at any time to correct the same upon the tax list.

Tax rolls to
be lien on
real estate.

§ 6. All tax rolls, when corrected and completed, and filed with the clerk of the city, shall be a lien on such real estate as is described therein; and all taxes and assessments levied and assessed as aforesaid, unless otherwise directed, shall be collected by the collector or collectors of said city, subject to the provisions of this charter, by virtue of a warrant under the corporate seal of said corporation signed by the said mayor and clerk, commanding such collector or collectors to collect from

the several persons, corporations and associations named in said tax roll, the several sums mentioned in the last column of such roll opposite their respective names, together with his fees as fixed by the common council, not exceeding one per cent on all money paid to said collector within twenty days after the receipt by him of said warrant, and not exceeding five per cent on all money not so paid in, which shall be collected by him, of taxes levied on real or personal property, and not exceeding twelve and a half per cent on all moneys levied as a tax for highway purposes, but in no case shall the collector's fees on any poll tax be less than one cent, and in case any such person shall refuse or neglect to pay his or her tax, and the fees aforesaid, to levy the same by distress and sale of the goods and chattels of the said delinquent, or by suit in the corporate name, with interest and costs, and after deducting from the amount so collected the compensation allowed to such collector for collecting such taxes, to pay the residue into the city treasury and take the treasurer's receipt therefor.

§ 7. In any suit brought by the collector in the name of the corporation for the collection of any tax assessed and directed to be collected by warrant as aforesaid, the assessment roll filed with the clerk, shall in all cases be evidence on the part of the corporation, that such tax had been duly assessed and levied against the persons respectively, whose names and taxes appear on the said roll.

Suits
brought by
collector.

§ 8. In case any such taxes and assessments are not paid, and no personal property can be found by the collector, out of which to satisfy and collect the same by distress and sale, the common council may direct such real estate to be sold for the payment of such taxes, together with the collector's fees and expenses of sale, in the manner and with the effect mentioned in this act in respect to the sale of real estate for the non-payment of assessment; but no real estate shall be sold for taxes except within one year from the time of filing the assessment roll as aforesaid. All taxes and sums of money raised and collected in pursuance or by virtue of this section, shall be paid to the treasurer of the said city.

Proceed-
ings when
taxes are
not paid.

§ 9. If any collector shall refuse or neglect to pay over to the city treasurer the sums required by his warrant to

Proceed-
ings against
collector in

certain
cases.

be paid over, or to account for the sums so unpaid as required by law, the city treasurer may, after the expiration of twenty days from the time such warrant is returnable, issue a warrant, under his hand and seal, directed to any constable of the city of Auburn, commanding him to the same effect as in the warrant authorized by law to be issued by a county treasurer against any delinquent collector upon which the said constable shall proceed as sheriffs are required by law to proceed upon such warrants issued by any county treasurer, and if any moneys shall remain uncollected on such warrant, the city treasurer shall immediately give notice thereof to the mayor of the city, whose duty it shall be to cause the bond of such collector to be prosecuted, and the moneys collected in such suit, shall be paid into the treasury.

Collector to
execute
bond.

§ 10. Every person elected or appointed collector under and by virtue of this act, before he enters on the duties of his office, and within ten days after being notified of the amount of taxes directed to be collected by the warrant of the common council, shall execute to the mayor and common council of the city of Auburn, and file with the clerk thereof, a bond, with two or more sureties, to be freeholders of land in the county of Cayuga, as sureties to be approved of by the common council, in such penalties as the said common council shall direct, conditioned for the faithful execution and performance of his duties as collector, and account for and pay over all moneys so received and collected by him as such collector to the treasurer of said city, which bond, with the approbation herein required indorsed thereon, and certified by the clerk of said city, shall, within six days thereafter, be filed with the clerk of Cayuga county; and before any warrant for the collection of county taxes shall have been delivered to him, he shall execute to the supervisors of the city an additional bond, in a penalty of at least double the amount of taxes to be collected by said warrant, with two or more sureties who are freeholders in the county of Cayuga, to be approved by a majority of the said supervisors, conditioned that he will faithfully collect such taxes and pay over the same according to law; which bond, with the approval of the supervisors thereon, shall be delivered to the clerk of the county of Cayuga to be filed.

§ 11. The clerk of the county of Cayuga shall enter and record said bond in the book provided for entering and recording the bonds of town collectors; and every such bond shall be a lien on the real estate of the said collector and his sureties, in the same manner and to the same extent as now provided by law in relation to the bonds of town collectors; and in case of any breach of the condition of such bonds, or either of them, suits may be maintained thereon by the mayor and common council of the city of Auburn, to whom they were given, and by the supervisors to whom the last aforesaid bond was executed, or their successors in office.

Clerk to enter bond in book.

§ 12. Such collector and sureties shall also be liable to the same proceedings to enforce the payment of money collected on any warrant issued by the supervisors of the county as are provided by law in respect to town collectors and their sureties.

Liability of collector and sureties

§ 13. In case such collector shall refuse or neglect, for ten days after being notified of the amount of taxes directed to be collected by warrant of the supervisors of the county, to execute and give the bond herein required, such neglect or refusal shall be immediately reported by the supervisors of the city to the common council, who shall thereupon declare the office of collector vacant, and proceed forthwith to appoint another in his place, as such neglect shall be deemed a refusal to serve.

Penalty.

§ 14. Whenever there is a manifest error in copying any assessment rolls, or in levying and extending any tax or assessment, the common council may, at any time within six months after the completion of such assessment roll, by a vote of two-thirds of all the members elected, correct, cancel, remit or add to the same, but shall have no power to alter any valuation made by the assessor; nor shall such amended assessment be a lien on the real estate of purchasers or mortgagees, in good faith, who shall become such subsequent to the time when such amended assessment shall be made. The common council may renew any warrant for the general city tax, the lamp tax or any local assessment, from time to time, as they may deem necessary.

Error in copying assessment roll.

TITLE 7.

OF STREETS, HIGHWAYS, BRIDGES AND PUBLIC IMPROVEMENTS.

Commissioners of highways.

§ 1. The common council shall be commissioners of highways in and for the city of Auburn, and shall, subject to the provisions of this act, possess the powers, perform the duties, and be subject to the liabilities of commissioners of highways of towns; and it shall be the duty of said common council to give directions for the laying out, making, repairing and preserving of such highways, streets, lanes, bridges, alleys, side and crosswalks, drains and sewers, and to cause them to be repaired and cleansed, from time to time, as may be necessary; to regulate the roads, streets, lanes and alleys already laid out, or which shall be hereafter laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions hereafter contained; to regulate the planting of ornamental trees in said streets, and preserving the same, and to plant and preserve ornamental trees upon the public grounds in said city; and to direct in relation to the opening, laying out and making repairs of highways, streets, lanes, sidewalks, crosswalks and alleys, and the erection of bridges and reservoirs.

Public improvements.

§ 2. Whenever any of the public improvements authorized and enumerated in the first section of this title (except the construction, alteration or repair of sidewalks, gutters, drains or sewers) shall be made by order of the common council, it shall be the duty of the said common council to determine what portion of the expenses thereof ought to be paid from the public treasury, and to order and direct that the balance be assessed upon the owners of the real estate in the vicinity of such improvement benefited thereby; and that portion which shall be ordered to be assessed upon the real estate benefited shall be ordered to be assessed and collected in the manner hereinafter provided for the assessment and collection of local taxes, for making, altering or repairing any sidewalk, gutter, drain or sewer.

Repairing sidewalks, &c.

§ 3. Whenever the common council shall deem it necessary to make or repair any sidewalk, or any gutter adjoining any sidewalk in said city, they shall give notice,

in writing, to the owners or occupants of the several lots in front of which such sidewalks or gutters are required to be made or repaired, in which notice shall be specified what work or repair is required to construct or repair such sidewalks or gutters, as the case may be, in such manner and within such time as the said common council shall direct, within thirty days from the day of service of such notice, or that the same will be done by direction of the common council, and the expense thereof charged and assessed upon the owners of said lots respectively, according to the benefits received, as the same shall be determined by the assessors of the city. Such notice may be served personally or by leaving the same at the usual place of abode of the person to be served, or by depositing the same in the post-office at the city of Auburn, directed to the person to be served, at his place of residence, according to the best information that can be procured, by the city clerk. If the owner of any such lot neglects or refuses to construct or repair any sidewalk or gutter within the time limited therefor, the said common council may direct the same to be constructed or repaired, and cause the expense thereof to be assessed upon such owners, and collected by the collector of the city, as hereinafter provided. Whenever the common council shall deem it necessary to make, alter or repair any drain or sewer in said city, they shall cause the necessary supplies therefor to be procured, and the necessary work to be done, without notice, as aforesaid, and shall cause the expense thereof to be assessed upon the owners of the property benefited thereby, according to the benefits received, as the same shall be determined by the assessors of the city, and the same to be collected by the collector of the city, as hereinafter provided.

§ 4. Whenever it shall become necessary for the common council to cause any local assessment to be made under or by virtue of the provisions of this act, a resolution to that effect shall be passed and entered in the minutes of the proceedings of the said council by the clerk, who shall thereupon cause a copy of the said resolution to be delivered to the assessors of the said city. Within five days after the receipt of the said notice, it shall be the duty of said assessors, or a majority of them, to proceed to view the work specified in said resolution, which shall

Local
assessments

have been done by order of the common council, and to assess the amount specified on the owners of the real estate deemed by them to be benefited thereby, in proportion to the benefits resulting thereto, as nearly as may be; and to make and sign an assessment roll thereof, briefly describing the real estate assessed, and when completed and subscribed, to deliver the same to the city clerk to be filed. Upon receiving and filing any such assessment roll, it shall be the duty of the clerk forthwith to prepare and cause to be served upon the owners or occupants of the real estate assessed, by delivering the same to them personally or leaving it at their usual place of abode, a notice in writing, stating that such assessment roll has been filed, and that any person who may feel aggrieved by said assessment may appeal therefrom to the common council within twenty days from the time of the service of said notice, by petition signed by him, her or them, addressed to the mayor and common council, setting forth in detail the matters complained of, and the common council, at the first sitting thereof after the making of any such appeal, shall proceed to consider the said assessment, and the matters alleged in said petition of appeal; and if it shall appear to said common council that such assessment, for any cause, is unjust or erroneous, the said council shall have power to correct the same according to the very right of the case. After the expiration of twenty days from the service of the aforesaid notice, where there shall have been no appeal, and after the termination of any appeal that shall have been made by any person conceiving himself aggrieved, it shall be the duty of the common council to confirm the said assessment, and direct a warrant to be issued to the collector to collect the same.

Notice.

Appeal.

Warrant
for collection of local
assessments

§ 5. Whenever the collector shall receive any warrant for the collection of any local assessment, as provided in this title, it shall be his duty to give the notice required to be given by town collectors as to the place where and the days in which he will receive payment of taxes for twenty days, and which shall be at least two days in each week during said twenty days, and to receive payment within the time specified, with fees of collection as hereinbefore provided; but after the expiration of the time mentioned in said notice, it shall be his duty to proceed

to collect the same out of any personal property of the owners of the real estate assessed in the manner required by law for the collection of county taxes by collectors of towns; and in case the said collector cannot find sufficient personal property from which to levy and make the amount of said tax with his fees and costs, it shall be his duty to advertise said premises to be sold in the manner and for the time required in cases of sales of real estate on execution; and conduct the sales in the same manner. The proceedings may be stopped at any time before sale by any person, by paying to the collector the amount of said assessment, interest, collector's fees, and the expenses of advertising. All sales in such cases shall be made for the shortest period for which any bidder will take the premises and pay the amount of said assessment, collector's fees, costs and expenses. When any sale shall be made by the collector as aforesaid, the collector shall make and subscribe a certificate containing a description of the property sold, the amount and time for which it was sold, stating the amount of the assessment and the items of the fees, costs and expenses for which such sale was made and the time within which the same may be redeemed. The right of redemption in all cases of such sales, in the same manner and to the same extent, shall exist to the owner and his creditors as is allowed by law in cases of sales of real estate by virtue of an execution. The money in case of redemption may be paid to the purchaser or city clerk for him. In case of no redemption at the expiration of fifteen months from the day of sale, or in case of redemption by any creditor or creditors of the original owner, it shall be the duty of the mayor and city clerk to issue to the purchaser, or to the redeeming creditor, as the case may be, a declaration, under the corporate seal, signed by said mayor and clerk, containing a description of said premises, the amount of the assessment, collector's fees and costs, and expenses of sale and the period for which and* premises were sold; which declaration shall be evidence of a right to the use and occupancy of the premises for said period, to be computed from the day of sale. All buildings erected on the premises during the period of such occupancy, may be removed at or before the expiration thereof. In addition to the ordinary fees for collection, the collector shall be

* So in original.

entitled to receive the sum of one dollar for advertising any parcel of real estate to be sold, one dollar for discontinuing the notice in case of payment before the day of sale, two dollars for attending and making any sale, and giving a certificate thereof to the purchaser, and the actual expenses of advertising.

Opening of
streets, &c.

§ 6. The common council shall have power to lay out, survey, open, straighten, widen or alter any street, alley, road or highway in said city, and to cause buildings and structures in the way of such street to be taken and appropriated, but not until the damages to the owner, his agent or legal representatives, shall have been appraised by five commissioners, to be appointed by a court of record of Cayuga county, or a majority of them, and paid or tendered, and if not accepted, deposited with the city treasurer, subject to his order. All appraisals under this section to be made by said commissioners, upon their receiving a resolution of the common council requiring it, and a certificate of such appraisal, signed by said commissioners or a majority of them, shall be filed with the clerk of the city, who thereupon shall prepare and cause to be served upon the owner, if within the city, and if not, the agent or legal representatives of the owner of the premises, building or buildings structure or structures, appropriated, by delivering the same to him or them personally, or leaving at his or their place or places of abode, a notice, specifying and stating that the certificate of such appraisal has been filed in his office, and that any person who may consider himself aggrieved thereby, may appeal therefrom within twenty days after service of said notice, to the common council of said city, in the manner prescribed in section four of this title, and the same proceedings shall be thereupon had for modifying or altering said appraisal as in section four provided, in cases of appeals from assessments for local improvements.

Appeals
may be
taken.

§ 7. Any person interested may appeal from any order of the common council for laying out, opening, making, altering or widening any street, alley, road or highway, and from any order made by the common council on an appeal from the appraisal of damages, to the county court of Cayuga county, by notice in writing delivered to the clerk of the city, at any time before the expiration of

twenty days after the making of the order appealed from. The only ground of appeal from the order of the common council for the laying out, opening, making, altering or widening any street, shall be the want of conformity to the provisions of this act; and the only ground of appeal from an order of the common council, made on an appeal from the appraisal of damages, shall be the amount, and that question shall be tried by a jury. The propriety or utility of the street, alley, road or highway shall not constitute the ground of appeal. In case of any appeal to the county court from any order of the common council, it shall be the duty of the city clerk, within twenty days after service of the notice of appeal, to make and certify to the said court and file with the clerk thereof, a copy of the order appealed from, and the objections thereto, if any, which have been filed by the appellant; and the said county court shall proceed to hear, try and determine the said appeal, and to confirm, annul or modify the order of the said common council, according to the very right of the case.

Grounds of
appeal.

Duty of
city clerk
in case of
appeal.

§ 8. Where any known owner of any such real estate or buildings appropriated in the opening, laying out, making, altering or widening any street, residing in said city or elsewhere, shall be an infant, no proceedings shall be had affecting the rights of such infant, until a guardian for him or her shall have been appointed by the county court to act for such infant in the premises, and shall have given security, to be approved by the county judge, for the faithful performance and execution of his trust. It shall be the duty of the court to appoint such guardian, on application of the mayor of the city, or the infant himself or herself, or some person acting in his or her behalf; and which guardian, when so appointed, shall see that the rights of such infant or infants are protected.

Real estate
of infants.

§ 9. All persons liable, or whose real estate shall be liable, to be assessed for the constructing or repairing of sidewalks under this act, shall have the opportunity to construct or repair them in front of their own lots; but if not done in the manner, of the materials, and within the time prescribed by the common council, the said common council may cause them to be constructed, and

Owners of
lots may
construct
sidewalks.

the expenses thereof assessed and collected as hereinbefore in this title provided.

Previous
notice to be
given.

§ 10. No order shall be passed by the common council directing the laying out, making, widening, constructing, discontinuing or altering any street, alley, road or highway, or directing the paving, flagging or macadamizing of any street, road or highway, or constructing or making of any sewer or aqueduct in said city, unless at least two weeks previous notice shall be given by the common council, by publishing the same in one or more newspapers printed in said city, that an application for such order is pending before the common council, and specifying at what time the said application will be finally acted on.

TITLE 8.

OF THE PREVENTION AND EXTINGUISHING OF FIRES.

Construc-
tion and
cleaning of
chimney,
fireplaces,
&c.

Ashes.

Fire
buckets.

Scuttles in
roofs.

§ 1. The common council shall have power to regulate the construction of chimneys so as to admit chimney-sweeps, and to compel the sweeping and cleaning of chimneys and to prevent chimney-sweeps from sweeping unless licensed as they shall direct; to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed, or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings or enclosures, to discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition; to require the inhabitants of said city to provide so many fire buckets, and in such manner and time as they shall prescribe, and to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, and to prevent the use of fireworks and firearms in the streets; to compel the owners and occupants of houses and other buildings to have scuttles in the roofs, and stairs and ladders leading to the same; to authorize the mayor and common council, fire wardens or other officers of said city, to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and

the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention or extinguishment of fires as the common council may deem expedient.

§ 2. The common council shall procure fire engines, and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine-houses, and other places for keeping and preserving the same; and shall have power to organize fire, hook, hose, ladder and axe companies; to appoint a chief engineer and two assistant engineers of the fire department, and a competent number of able and reputable inhabitants of said city, firemen; to take the care and management of the engines and other apparatus and implements used or provided for the extinguishment of fires, and to make rules and regulations for their government; and to impose such reasonable fines and forfeitures upon said firemen, for a violation of the same, as the said common council may deem proper, and for incapacity, neglect of duty, or misconduct, to remove them and appoint others in their places.

Fire engines.

§ 3. The members of the common council shall be fire wardens, and shall have power to appoint such other wardens as they may deem necessary.

Fire wardens.

§ 4. The firemen, appointed by virtue of this act, shall, during the term of their service as such, be exempt from serving on juries in all courts, and in the militia, except in case of war, invasion or insurrection. The name of each person appointed a fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption as provided in this section, shall be the certificate of the clerk made within the year in which the exemption is claimed.

Firemen exempt from military and jury duties.

§ 5. The present firemen of the city of Auburn shall be firemen of the said city, subject to be removed by the common council, in like manner as other firemen of said city.

Present firemen may continue to act.

Every person who, on the first day of May next, shall have been a fireman in any of the cities or villages of this state, for the term of four years, and who shall serve as such one year thereafter; and every person who, on the first day of May next, shall have been such fireman for a less period of time than four years, and who shall serve as such for so long a time thereafter as shall

Exemption of firemen having served five years.

make the whole term of his service five years, and every person who may become such fireman after the passage of this act, and shall serve as such for five years thereafter, shall, during and forever after such service, be exempted from serving as a juror in any of the courts of this state, and from all militia duty, except in cases of insurrection or invasion.

TITLE 9.

OF THE SUPPORT OF THE POOR.

Powers and
duties of
overseers
of poor.

§ 1. The overseer of the poor to be elected under and by virtue of this act, for the city of Auburn, shall possess all the powers and authority of overseers of the poor of the several towns in this state, in relation to the support or relief of indigent persons, the binding out of children, the safe keeping and care of lunatics, the care of habitual drunkards, the binding and contracting for the service of disorderly persons, the support of bastards, and proceedings to charge the fathers and mothers of such bastards, and all such other powers as are conferred on overseers of the poor of towns, and shall be subject to the same duties, obligations and liabilities.

Charges
and ac-
counts
against city.

§ 2. All charges and accounts against said city for services rendered, acts done or means furnished under and by virtue of the first section of this title, shall be audited by the supervisors and justices of the peace of said city, and the city clerk, in the same manner and at the time similar accounts are audited in the several towns in the county of Cayuga by the respective town boards, and all accounts properly chargeable against the county shall be audited by the board of supervisors of said county, in the same manner as the accounts of towns and town officers are by them audited and allowed.

Office of
overseer of
poor.

§ 3. The said overseer of the poor shall keep his office in some central and convenient part of the city, to be approved by the common council, and he shall, at the first regular meeting of the common council in each month, report to the common council in detail all appropriations, expenditures and allowances made by him as such officer during the month preceding, which report shall specify the name of each person relieved, with the quantity and price of each article furnished, and from whom obtained. He shall, except as herein otherwise provided, be subject

to the provisions of the act entitled "An act in relation to the auditing of expenses for the support of the poor, and the purchase of supplies in the county of Cayuga," passed April fifteenth, eighteen hundred and fifty-eight, and shall receive for his services such annual salary as the board of supervisors of the county of Cayuga shall determine.

TITLE 10.

TO PROTECT THE CITY FROM THE INTRODUCTION OR SPREADING OF ANY INFECTIOUS OR PESTILENTIAL DISEASE.

§ 1. The common council shall be and are hereby authorized to appoint annually three commissioners as a board of health for said city, of which the mayor of the city shall be president; and the compensation of the board of health, for services rendered, shall be fixed, audited and allowed as provided in the act entitled "An act to amend an act entitled 'An act for the preservation of the public health,' passed April tenth, eighteen hundred and fifty."

Board of health.

§ 2. Every practising physician in said city, who shall have a patient who has any infectious or pestilential disease, shall, within twenty-four hours after the existence of any such disease shall be by him discovered, report the same to the mayor of the city, and any practising physician who shall neglect to do so, may be subject to a fine not exceeding twenty-five dollars, under any ordinance that may be passed by the common council for that purpose.

Physicians to report pestilential or infectious diseases.

§ 3. The common council shall have power to designate a building, purchase a site, and erect a hospital or pest-house within said city; to make rules, ordinances and regulations for its management; for the admission and conveyance of patients thereto, and for the collection of the expenses incurred for medical care, attendants, and the support of patients therein, whenever the patients, or his or her parents or guardians, liable for his or her support or maintenance, shall have sufficient ability to make payments to the mayor and common council therefor. The board of health shall audit all bills and accounts for medical care, attendants, and for the support of patients in such hospital or pest-house, and return the same to the common council, who shall have power to

Hospital or pest-house.

maintain a suit therefor, in the corporate name, against any person or persons who shall be liable for the payment thereof.

Ordinances
and by-laws

§ 4. The common council shall have the power to make ordinances and by-laws, imposing a penalty on all persons who shall knowingly and designedly bring or cause to be brought into said city any person not a resident therein, who at the time shall be affected with the small pox, or any infectious or pestilential disease.

TITLE 11.

Policemen
to be ap-
pointed by
mayor.

§ 1. The mayor of said city shall appoint, by written appointment, to be filed in the office of the city clerk, so many policemen as he shall deem necessary, who shall hold their respective offices at his pleasure, and whose compensation shall be fixed by the common council; but the aggregate of police expenses shall in no year exceed the amount raised for that purpose as hereinbefore provided.

Powers and
duties of
policemen.

§ 2. Any policeman may apprehend without process, upon view or complaint, all persons offending against the laws or the ordinances of the city, and shall bring them before the police justice or other officer having jurisdiction, and enter the proper complaint for trial; and it shall be their duty to see that peace, quiet and good order is preserved throughout the city, and to arrest and bring to trial all offenders against law or the ordinances of the city. They shall have authority to enter any house, store, grocery, building or other place where any felon or offender against any city ordinance is harbored or secreted, or where any person has in their hearing or presence committed any breach of the peace or violation of any city ordinance, or where any riot, disorderly conduct, unlawful assemblage, noise, outcry, alarm or other disturbance shall be made; and any person or persons who shall resist or obstruct any policeman, in the lawful discharge of his duty, shall, upon conviction thereof before the police justice, be fined in any sum not exceeding fifty dollars, or be imprisoned for any time not exceeding thirty days, or both, for each and every offense, at the discretion of the police justice.

Citizens to
assist in
arresting
offenders

§ 3. The mayor or policeman may, in case of necessity, call upon any bystander, or other citizen, to assist him in arresting and conveying to prison any offender; and

any person who shall refuse to aid any such officer, when lawfully called upon, shall, upon conviction thereof before the police justice, be fined in any sum not exceeding ten dollars.

when required.

TITLE 12.

MISCELLANEOUS PROVISIONS.

§ 1. The compensation of all officers appointed by the mayor or elected by the common council, not herein otherwise provided for, shall be fixed by the common council.

Compensation to be fixed by common council.

§ 2. It shall not be the duty of the common council of said city to audit any account for services rendered, materials found, or disbursements paid out in such services, unless such account shall be made out in items, and accompanied with an affidavit attached thereto, and to be filed with such account made by the person presenting or claiming the same, that the items of such account are correct, and that the services and disbursements charged therein have been in fact rendered and paid for said city, and that no payments thereof have been made.

Common council to audit accounts.

§ 3. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws or public regulations made in pursuance of it, shall be brought in the name of the city of Auburn; and in any such action it shall be lawful to declare generally for such penalty or forfeiture, referring only to the section of this act, or to the section of the by-laws or ordinances under which the penalty or penalties is or are claimed, and to give the special matter in evidence; and the defendant may deny generally, and give in evidence any special matter that may be the subject of the defense under such answer. Any such action brought in any police justice's court, or in any court of any justice of the peace, shall be by warrant, and execution may be issued thereon immediately on the rendition of the judgment. If the defendant or defendants in any such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Cayuga county for a term not exceeding thirty days. All expenses incurred in prosecuting for any penalty or forfeiture shall be defrayed by the corporation; and all penalties and forfeitures, when collected, shall be paid to the treasurer for the use of the city.

Actions to recover penalties or forfeitures to be brought in name of city.

Inhabitants
or free-
holders not
incompet-
ent as
witnesses.

§ 4. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant or freeholder in the city of Auburn, in any action or proceeding in which the said city is a party interested.

Expenses of
apprehend-
ing and
trying
criminals.

§ 5. The expenses of apprehending, examining, trying and committing offenders against any law of the state in said city, and of their confinement, properly chargeable against the county of Cayuga, shall be audited, allowed and paid by the board of supervisors of said county, in the same manner as if such expenses had been incurred in any town in said county of Cayuga.

Certain
officers to
execute
bond.

§ 6. The police justice, justices of the peace, city superintendent and constables, shall, before they enter on the duties of their respective offices, execute a bond to the people of this state, in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively, according to law; which bond, with the approval of the common council indorsed thereon, shall be filed with the clerk of said city.

City to be
considered
as one of
the towns
of Cayuga
county.
Inconsist-
ent acts
repealed.

§ 7. The said city, except as is otherwise in this act provided, shall be considered one of the towns of Cayuga county.

§ 8. From and after the passage of this act, all acts, and parts of acts inconsistent with this act are hereby repealed, except that all officers heretofore elected or appointed, and now holding office in said city of Auburn, under or pursuant to the act of the legislature of the state of New York, entitled "An act to incorporate the city of Auburn," passed March twenty-first, eighteen hundred and forty-eight, and of the several acts amendatory thereof, shall continue in office for the terms for which they were respectively elected or appointed, and with the powers and duties and compensations thereby conferred, until their successors shall be elected or appointed under this act, and all vacancies in such offices may be filled in the same manner. And nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings under any such former act shall and may be carried out and completed; and all prosecutions for any offense committed, or penalty or forfeiture incurred, shall be carried on with the same

effect as though this act had not been passed. The act of the legislature entitled "An act to regulate the free schools in the city of Auburn," passed April tenth, eighteen hundred and fifty, as amended by chapter one hundred and sixty-five, of eighteen hundred and fifty-seven shall continue in full force, and applicable to the city of Auburn, in the same manner as if this act had not been passed, anything herein contained to the contrary notwithstanding; nor shall anything in this act contained be so construed as to affect an act of the legislature entitled "An act to authorize the corporation of the city of Auburn to borrow money for the purpose of aiding the construction of a railroad passing through said city, and connecting Lake Ontario with the New York and Erie railroad, or the Cayuga and Susquehanna railroad," passed July tenth, eighteen hundred and fifty-one;" nor the act entitled "An act to amend the act entitled 'An act to authorize the corporation of the city of Auburn to borrow money for the purpose of aiding the construction of a railroad passing through the said city and connecting Lake Ontario with the New York and Erie railroad, or the Cayuga and Susquehanna railroad, passed July tenth, one thousand eight hundred and fifty-one,'" passed April second, eighteen hundred and fifty-two; nor the act entitled "An act to amend an act entitled 'An act to amend the act entitled an act to authorize the corporation of the city of Auburn to borrow money for the purpose of aiding the construction of a railroad passing through the said city, and connecting Lake Ontario with the New York and Erie railroad, or the Cayuga and Susquehanna railroad, passed July tenth, one thousand eight hundred and fifty-one, passed April second, eighteen hundred and fifty-two,'" passed April fourth, eighteen hundred and fifty-four; but said several acts shall continue in force as the same now are, and applicable to the city of Auburn, anything herein contained to the contrary notwithstanding.

§ 9. The common council of said city shall have charge and control of the burying ground belonging to said city, and also the public grounds and parks, and shall have power to make such rules and regulations relating to the same as they shall deem proper.

Burying
ground.

§ 10. This act shall take effect immediately.

Chap. 432.**AN ACT to incorporate the Peekskill Savings Bank.**

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Names of
corporators

SECTION 1. George F. Hussey, William Nelson, James Brown, George Dayton, Thomas Southard, Edward Wells, Truman Minor, Cyrus Townsend, James B. Brown, Isaac L. Varian, Nehemiah S. Jacobs, Chauncey M. Depew, Benjamin H. Field, Gilbert B. Hart, William Rufus Nelson, Uriah Hill, Jr., Calvin Frost, Daniel J. Haight, Edwin Briggs, Robert A. Depew, Orrin Frost, John Henry, Edward Underhill, Saxton Smith, and their successors, shall be, and they are hereby constituted, a body corporate and politic, by the name of the Peekskill Savings Bank, to be located in the village of Peekskill, and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever.

Real
estate.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

1. Such as shall or may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose; and all such real estate, as is described in the second and third subdivisions of this section, shall be sold by said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or commodities whatsoever, except in the cases where it is authorized to do so by the terms of this act; and except such personal

property as may be requisite for its immediate accommodation for the convenient transaction of its business.

§ 3. The trustees of said corporation shall not, as such, directly or indirectly, receive any pay or emolument for their services.

Trustees
not to re-
ceive com-
pensation.

§ 4. The business of the said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit. Six of said trustees, of whom the president or one of the vice-presidents shall be one, shall constitute a legal meeting of such board, and the affirmative vote of at least five members shall be requisite in making any order for, or authorizing the investment of moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

Business,
how con-
ducted.

§ 5. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies by death, resignation or otherwise, in the office of trustee, shall be filled by the board by ballot, without unnecessary delay; and at least six votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon, at the option of said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time, for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

First
trustees.

Regular
meetings.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor by tradesmen, clerks, mechanics, laborers, minors, servants and others, and on such terms as are allowed by this act, and investing the same in the securities or stocks of this state or of the United States, or in the stocks, bonds or securities of any city, authorized to be issued for municipal purposes by the legislature of this state, or to loan the same on the securities of the said stocks or

Business
and object
of corpora-
tion.

bonds, and in such other manner as is authorized by this act for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive on deposit all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which shall, as soon as practicable, be invested accordingly, and shall be repaid to each depositor when required, at such times, with such interest, and under such regulations as the board of trustees shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of the corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice-president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation or its deposits, or in any manner use the same, or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit, made by the proper officer, shall be as effectual to bind the corporation as if they were made under the common seal thereof. It shall be the duty of the trustees to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of the profits of said corporation, after deducting all necessary expenses. No moneys deposited in said savings bank shall be invested, except in the securities of stocks and bonds mentioned in this section, in opposition to the vote of any trustee, but by the consent and approbation of all the trustees present at a regular meeting, amounts not exceeding five thousand dollars to any one individual, may be loaned on unincumbered productive real estate, located within the county of Westchester, and worth, exclusive of buildings thereon, at least double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower, and all reasonable and necessary expenses of the searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to

Bond to be
required
for loans on
real estate.

invest, as soon as practicable, in the public stocks or public securities, or in bonds and mortgages, as provided in this act, all sums received by them beyond an available fund, not exceeding one-third of the total amount of deposits with said institution, at the discretion of the said trustees, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, or loaned on government, state, and bond and mortgage securities, or otherwise, as provided in this act, at the discretion and as the trustees may direct. No part of the moneys so deposited shall be invested except in the stocks, bonds and securities mentioned in this section.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for the regulation of the times of the meetings of the officers and trustees, and generally for managing, directing and transacting the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this state or of the United States.

By-laws.

§ 8. The board of managers may appoint such subordinate officers and agents of the said corporation, as they may deem necessary, who shall give such security respectively, for their fidelity and good conduct as the board may from time to time require; and the said board shall fix the salaries of such officers and agents.

Subordinate officers

§ 9. The books of said corporation shall, at all times during the hours of business, be open for inspection and examination to the superintendent of the banking department of this state, and such other persons as the legislature or the superintendent shall designate or appoint as their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation, such sum as the comptroller shall certify to be reasonable and just.

Books to be kept open for inspection.

§ 10. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been

Deposits by minors or married women

appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if said deposit was made personally by said minor; and whenever any deposit shall be made by any female, being or thereafter becoming a married woman, the said corporation may, in their discretion, pay to such last mentioned depositor such sum as may be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation.

Report to
legislature.

§ 11. The board of trustees shall also, in the month of January in each year, report to the legislature of this state the aggregate amount of deposits on hand, with the interest which has accrued thereon, and also the unclaimed deposits on which at least the sum of ten dollars shall then be due, and which shall have been deposited by persons who have not, within the two years next preceding said report, made a deposit or received a dividend or payment from said corporation, and shall publish the same in one of the newspapers published in the county of Westchester, which report shall be verified by the oath or affidavit of the two principal officers thereof. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

Supreme
court may
appoint one
or more
persons to
examine
affairs of
bank.

§ 12. The supreme court may at any time, on the application of any trustee or depositor in said corporation, upon reasonable notice to said corporation, or to those who may be affected thereby, of such intended application, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and subject to the examination of such person or persons and the trustees, officers and clerks thereof, or any other person may be examined on oath or affirmation by such person or persons, and the court may confer such further powers on the person or persons so appointed, as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said

person or persons so appointed, shall report the result of their investigation to the said court; who, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may, upon proper notice to such person, and affording him an opportunity to be heard in his defense, remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation as the court shall deem expedient.

§ 13. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, as far as the same are or may be applicable; and also to the provisions of chapter one hundred and thirty-six, an act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty-seven, and this act may be repealed, altered or amended at any time hereafter.

Subject to provisions of Revised Statutes.

Chap. 433.

AN ACT to straighten and reduce the width of River street in Brooklyn.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows :

SECTION 1. River street in the city of Brooklyn, shall be and is hereby changed as follows: The southerly line of said River street, shall commence at a point on the southwesterly side of Broadway, formerly called Division avenue, distant southerly two hundred and seventy feet at right angles from the southerly line of Walton street extended, running thence southwesterly parallel with Walton street in a direct line to a point distant northerly two hundred feet at right angles from Flushing avenue, and thence westerly and parallel with Flushing avenue, and distant two hundred feet at right angles therefrom, until it intersects the southerly line of River street, as heretofore laid out, at or near the easterly line of Clason avenue; the northerly line of said River street shall be parallel with and distant

River street changed.

northerly seventy feet at right angles from the southerly line as above described; from Broadway to Rutledge street, and from Rutledge street westward to the Williamsburgh road, the northerly line thereof shall be as heretofore laid out; that portion of Marcy avenue lying northward from River street as heretofore laid out shall be continued in a straight line southeastwardly, across River street to its intersection with Flushing avenue; Walton street, Gwinnett street, Middletown street, Lynch street, Heyward street, Rutledge street, Wythe avenue and Lee avenue, as heretofore laid out, shall be and are hereby severally extended in straight lines to the northerly line of River street, as herein described. All those parts of River street, and of that part of Marcy avenue lying between River street and Flushing avenue, as heretofore laid out, which are not included in any of the above mentioned streets, or in other streets or avenues crossing said River street, shall be and the same are hereby closed, and the owners thereof may enter upon the same and build upon or otherwise use and improve the same in the same manner as if said streets had not been laid out thereupon.

Proceed-
ings in
regard to,
valid and
effectual.

§ 2. The proceedings heretofore commenced and now in progress for opening said River street shall be continued and shall be deemed to apply to said River street, as its lines are changed by this act, and shall be in all respects valid and effectual for that purpose; the district of assessment therefor shall be so changed as to extend southerly to Flushing avenue, and all expenses heretofore incurred and hereafter necessarily incurred in said proceedings shall be assessed by the commissioners upon such lands within such district of assessment and in such proportion as they may deem the same to be benefited by said proceeding.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 434.

AN ACT to amend an act entitled "An act to revise the charter of the city of Buffalo, and enlarge its boundaries," passed April thirteenth, eighteen hundred and fifty-three, and the several acts amendatory thereof.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty of the fifth title of an act entitled "An act to revise the charter of the city of Buffalo, and to enlarge its boundaries," passed April thirteenth, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows :

§ 20 of title
5 amended.

§ 20. The holder of any such certificate or certificates shall file a copy thereof in the office of the comptroller, including an account of the expenses actually incurred and paid by him, her or them, and allowed by this act, in items and in detail ; which statement shall be verified by the oath of the holder of such certificate, or his agent or attorney, to the effect that such amount and the expenses therein included have been actually incurred and paid, except as to such items as shall relate to amounts charged in such accounts as having been paid to any city or county officer. Such last mentioned items shall be verified by the sworn statement of such city and county officer to whom such amounts are charged, to have been paid, to the effect that such payments have been made in good faith to him for the identical services charged in such bills, and that such services have been actually rendered by the person making such statement, at the request of and for the holder of such certificate, and that he is not interested in such certificate, or in the redemption of the land therein described, in any manner, directly or indirectly, and that the said charges do not exceed the fees allowed by law. Any owner or claimant of any parcel of real estate heretofore or hereafter sold, or any specific part or undivided interest in or share of such parcel, may at any time, within nine months after such sale, redeem the same by paying to the city treasurer, for the benefit

of the holder of such certificate, his representatives or assigns, the amount paid by him, her or them, with the addition of fifteen per centum per annum on such amount, and the expense of the commissioner's fees for taking the acknowledgment of the assignment of any such certificate. And any owner or claimant of any parcel of real estate heretofore or hereafter sold, or any specific part or undivided interest in or share of such parcel, may at any time after such sale, and after the expiration of said nine months (and before a declaration of sale is granted as provided by section eighteen of this title), redeem the same by paying to the city treasurer, for the benefit of the holder of such certificate, his representatives or assigns, the amount paid by him, her or them, with the addition of fifteen per centum per annum on such amount, and the expense of any publication, and all other expenses incurred by him, her or them, and allowed by this act, and specified in the statement above provided for. And on such payment being made, and in either of said cases, the title acquired by such sale shall cease. But until the copy of the certificate of sale, together with the statement hereinbefore mentioned, shall be filed as hereinbefore required, the owner or claimant of any parcel of real estate so sold, or any part or parcel thereof, or interest therein, may redeem the same by paying to the treasurer the amount for which the same was sold, with the addition of fifteen per cent per annum, and depositing with him ten dollars to meet the holder's said expenses, and his written promise to pay the residue, if any; but if any portion of said ten dollars shall remain after paying said expenses, the same shall be returned to the said owner upon his demanding it, at any time after three months from the time of making such deposit. And in such case, upon such payment being made to the treasurer, as aforesaid, the title acquired by such sale shall cease. Non-resident owners may appoint agents, residing in the city; and on filing such appointment with the comptroller, he shall enter the name of such agent in a book to be provided by him and kept in his office.

§ 35 of title
6 amended.

§ 2. The thirty-fifth section of the fifth title of said act is hereby amended so as to read as follows:

§ 35. At any time within eighteen months after the return to the comptroller of any roll of unpaid taxes, he

shall cause a personal demand of the unpaid taxes on personal estate to be made upon the respective persons assessed, and in case any person shall neglect or refuse to pay the tax so demanded, the comptroller shall, on filing in his office an affidavit of such demand and neglect or refusal, issue to any constable of the city of Buffalo, a warrant, signed by the said comptroller, commanding the said constable to levy and collect the tax so assessed, and five per cent in addition thereto, by sale of the goods and chattels of the person assessed, or of any goods and chattels in his possession, wheresoever the same may be found within the county of Erie; and no claim of any property to be made thereto by any other person shall be available to prevent a sale. Such warrant shall be made returnable at the office of the comptroller, within twenty days from the delivery thereof to said constable. The said comptroller may require, and the said constable shall execute a bond, with sufficient sureties, to the satisfaction of the comptroller, for the faithful performance of all his duties under this title, and the comptroller shall be liable for any default of said constable.

§ 3. The thirty-eighth section of title five of said act is hereby amended so as to read as follows: § 38 of title
5 amended.

§ 38. The comptroller may issue a new warrant as often as any warrant shall be returned unsatisfied in whole or in part; and he may also authorize the city attorney to institute proceedings against the person assessed for the collection of the said tax and expenses under the Code of Procedure. And said person shall be liable to the city of Buffalo, in an action at law for the amount of such tax or assessment, with the interest and additions provided by this title, together with the costs of the action.

§ 4. The eighteenth section of the eighth title of the said act is hereby amended so as to read as follows: § 18 of title
8 amended.

§ 18. Within one year after such assessment, the common council shall pay or tender the several amounts of the compensation so ascertained, to the respective owners of the property taken; and in case any such owner shall refuse the same, or be unknown, or a non-resident of the city, or for any reason incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the council may make payment of the portion of such owner,

into the office of the clerk of Erie county, as clerk of the supreme court, accompanied with a statement of the facts and circumstances of each case, and a transcript of so much of the report of the commissioners as relates to the ascertainment of the portion so paid in. The supreme court shall have authority at any special or general term in Erie county, to order the investment of such money or the payment of it over, upon the ascertainment of the person entitled to it. Upon such payment, or tender, or payment to the clerk, being fully made, the fee of the land shall be vested in the city.

§ 25 of title
8, amended.

§ 5. The twenty-fifth section of title eighth of the said act is hereby amended so as to read as follows:

§ 25. The common council may construct, repair and maintain bridges, reservoirs, and public pumps and wells, at the expense of the city, or assess the expense thereof, or such portion of the expense thereof as they shall deem equitable, on the land benefited thereby. The street commissioner may cause any paved street or alley to be opened, taken up, refilled, relaid, repaved or repaired, and cause any vault, drain, sewer, culvert, gas or water pipe, to be constructed, laid, relaid or repaired therein, leading to or for the benefit of any lot or premises in the city, on an application being made to him by the owner or agent of the lot or premises proposed to be so benefited; and the common council may cause the expense thereof to be assessed upon the lot or premises so claimed to be benefited thereby. All such applications shall be entered in a book, kept for that purpose in the office of the street commissioner, and shall state the improvement asked for, and give a description of the land or premises to be benefited, and signed by the owner or agent making the application.

12th title
amended.

§ 6. The twelfth title of said act is hereby amended by adding the following sections:

§ 41. The common council of the city of Buffalo may issue the bonds of said city, for a sum not exceeding twenty thousand dollars, payable in eight years, with interest at a rate not exceeding six per cent per annum, payable semi-annually, for the purpose of paying certain judgments now recovered against the city of Buffalo, and may be hereafter recovered against the said city for sundry erroneous taxes and assessments for local improvements

made prior to the year eighteen hundred and fifty-four, and they shall add to the amount of the general tax of each year a sum sufficient to pay so much of said bond or bonds and interest as may become due the following year, the payment of which shall not be provided for otherwise. Such additional assessment shall be made upon the taxable property, within the limits of the old city of Buffalo.

§ 7. The salary of the aldermen of the city of Buffalo for the year eighteen hundred and fifty-nine, commencing on the first day of January, eighteen hundred and fifty-nine, is hereby fixed at one hundred dollars each per annum during their term of office, and the salary of all aldermen of said city, hereafter elected, is hereby fixed at the like sum of one hundred dollars each. And all sections of the charter of said city of Buffalo inconsistent with this section, are hereby repealed.

Salary of
aldermen.

Chap. 435.

AN ACT for the relief of the Ausable Plankroad Company.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Ausable Plankroad Company are hereby authorized and empowered to rebuild and reconstruct their toll-gates and toll-houses on their plankroad, in the town of Chesterfield, and county of Essex, at or near the place from whence they were removed by an order of the county judge of Essex county, and may demand, collect and receive such tolls at said gate as they were authorized by law to demand and receive thereat, before the removal thereof; provided and on the condition that they shall exempt and allow to go free from the payment of tolls at said gate the residents and inhabitants of the town of Chesterfield aforesaid, on so much of their plankroad as runs in the public highway from Port Kent to Keesville and Birmingham, and also on their plankroad from the corner at or near Daniel Adgate's to Port Kent, when traveling on said

May re-
build and
reconstruct
toll gates.

Provido.

road on their own business, and when not employed in the transportation of persons, or property of other persons; but when so employed in teaming, staging, carrying passengers, or transportation of persons or property for others, they shall be subject to the like rates of tolls as all other persons unexempted therefrom.

Highway
labor.

§ 2. Every person liable to perform highway labor, and residing or owning property on the line of said Ausable plankroad, in the town of Chesterfield, Essex county, and Ausable and Black Brook in the county of Clinton, are hereby required to perform such highway labor, or commute for the same, under the direction of the directors of said plankroad company.

§ 3. This act shall take effect immediately.

Chap. 436.

AN ACT to authorize the appointment of referees to settle an account of Jacob D. Kingsland against the Clinton state prison.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners to
settle
accounts.

SECTION 1. Theodore M. Pomeroy, of the county of Cayuga, Victor C. Spencer, of the county of Essex, and Wells S. Dickinson, of the county of Franklin, are hereby appointed commissioners to whom all matters in difference between the agent and warden of the Clinton prison and Jacob D. Kingsland, on account of any just or legal claim or claims of said Kingsland against the people of this state, accruing prior to the first day of January, eighteen hundred and fifty-nine, and arising out of his contracts with the state, at Clinton prison, are hereby referred for final adjustment and determination.

Stipulation
to be enter-
ed into.

§ 2. It shall be the duty of the said agent and warden forthwith, on behalf of the state, to enter into a written stipulation and submission of all such matters and claims with the said Jacob D. Kingsland, in which both parties shall join, to stand to and abide by the

award made by such commissioners, or the majority of them, and such award shall be final and conclusive between the parties.

§ 3. As soon as said stipulation shall have been executed, the said commissioners, or a majority of them, on the application of either party, shall appoint a time and place for hearing, and all of said commissioners shall meet together at any hearing hereby authorized. Ten days previous notice in writing shall be given by the party on whose application the first hearing shall have been appointed, of the time and place of such hearing.

Time and place for hearing to be appointed.

§ 4. The said commissioners shall have power to administer oaths, to compel the attendance of witnesses, and to adjourn from time to time, and from place to place, on or before the first day of September, eighteen hundred and fifty-nine, they shall decide upon and adjust all the legal claims hereby submitted, and make a final award in the premises, which shall be signed by them, or a majority of them, and filed in the office of the comptroller, together with such submission, and a copy of all the testimony taken and exhibits produced before them, and such award shall specify in detail all claims allowed, with the reasons for such allowance.

Powers of commissioners.

Final award to be filed in office of comptroller

§ 5. The amount allowed to said Jacob D. Kingsland, if any, by said award shall be allowed, and applied by said agent and warden, pro tanto, in payment of any moneys due from said Kingsland on account of said contract.

Money allowed, if any, how applied.

§ 6. The said agent and warden, in his monthly estimates made to the comptroller next after the filing of said award, shall embrace in such estimate the expenses and compensation of such commissioners in executing such commission, such compensation not to exceed ten dollars per day, and which amount shall be paid to said agent and warden from any moneys appropriated for the support of prisons, in the same manner as supplies for said prison, and by said agent and warden paid to said commissioners.

Monthly estimates of agents and warden, what to embrace.

Compensation.

§ 7. This act shall take effect immediately.

Chap. 437.

AN ACT in relation to reports of state officers.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Reports to be completed by December 10, and placed in hands of printer.

SECTION 1. The comptroller, secretary of state, treasurer, state engineer and surveyor, attorney-general, canal commissioners, auditor of canal department, commissioners of the canal fund, commissioners of the land office, canal appraisers, inspectors of state prisons, regents of the university, superintendent of banking department, superintendent of public instruction, adjutant-general, commissary-general, and all other state officers, or heads of departments, required by law to submit an annual report to the legislature of this state, are hereby required to complete their several annual reports for the previous fiscal year, ending on the thirtieth day of September, of each year, on or before the tenth day of December succeeding, and cause the same, on or before that day, to be placed in the hands of the person having the contract to do the printing for the senate and assembly under and in pursuance of the provisions of section two, chapter twenty-four, of the laws of eighteen hundred and forty-six.

To be printed by first day of session of legislature.

§ 2. The said printer so having the contract as aforesaid is hereby directed and required, when a report is placed in his hands in conformity to the first section of this act, to print and publish such reports, in the style they have heretofore been printed, on or before the first day of the meeting of the legislature in each year; and it shall be the duty of said printer aforesaid, to distribute and deliver said reports for the use of the legislature, and others, as he is required to do by virtue of his contract, on or before the first day of the meeting of the legislature in each year, the printing required to be done under the provisions of this act shall hereafter be included in the sealed proposals for such printing.

When to take effect.

§ 3. This act shall take effect upon the expiration of the present contract for the printing for the senate and assembly and public officers provided for in and by sec-

tion two, chapter twenty-four, of the laws of eighteen hundred and forty-six.

Chap. 438.

AN ACT to amend the articles of incorporation of the Market Fire Insurance Company of the city of New York.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of directors of the Market Fire Insurance Company may at any time hereafter, by a vote of three-fourths thereof, and with the assent in writing of three-fourths in amount of its stockholders, give the parties insured by the company the right to participate in the net profits of the business of the company, to such extent, in such manner, and upon such terms as may be prescribed in and by such vote and assent.

Right to
participate
in net
profits.

§ 2. This act shall take effect immediately.

Chap. 439.

AN ACT to amend the act incorporating the village of Sing Sing, in the county of Westchester, passed April ninth, eighteen hundred and fifty-three, and the acts supplementary thereto, and amendatory thereof.

Passed April 18, 1859; three-fifths being present.

The People in the State of New York, represented in Senate and Assembly, do enact as follows :

TITLE I.

BOUNDARIES.

SECTION 1. All that part of the town of Ossining, in the county of Westchester, contained in the following bounds, that is to say : Beginning at the Hudson river,

Boundaries.

where a run of water on the land of Benjamin Brandreth empties into the Hudson river, north of Sing Sing; from thence eastwardly, on a straight line to the house owned and occupied by the widow Barrett, and including the said house; thence southwardly, on a straight line until it intersects the Highland turnpike road, on the south line of land late of James C. Hale; from thence westwardly, on the south line of the State farm to the Hudson river; and thence northwardly, along the said river, to the place of beginning. The courses and distances of said boundaries are as follows: Beginning at the brook or run of water, north of Sing Sing aforesaid, and running east seventy-eight degrees and forty-eight minutes, south ninety-six chains and ninety-three links; thence south thirty-five degrees and thirty minutes, west one hundred and eleven chains and eighty-five links; thence west by the said State farm to the Hudson river; thence along said river to the place of beginning, shall hereafter be known and distinguished as "The village of Sing Sing;" and the inhabitants residing within the bounds aforesaid shall hereafter be a body corporate and politic, by the name and style of the "President and Trustees of the village of Sing Sing," by which name they and their successors may sue and be sued, complain and defend, answer and be answered unto, in all courts and places whatsoever, and in all manner of actions, causes and complaints whatsoever.

Seal.

§ 2. The said trustees may adopt and use a common seal, and alter it at pleasure, and take, hold, purchase, sell, assign and convey any personal and real estate, as the purposes of the corporation may require.

TITLE II.

OF OFFICERS AND ELECTIONS.

Officers.

SECTION 1. The officers of said village shall consist of a president and nine trustees, one clerk, one treasurer, one collector; and such other officers as are hereinafter named, all of whom shall be inhabitants of said corporation, qualified to vote under this act; the clerk shall be entitled to a salary of one hundred and fifty dollars to be paid by said village, and the said president, trustees, clerk, treasurer and collector, shall be freeholders within the limits of the said corporation, and shall be elected

To be freeholders,

in the manner hereinafter provided; and when the said president, trustees, clerk, treasurer and collector, or either of them, shall cease to be a freeholder within said corporate limits, the office they hold shall become vacant and they shall cease to be such president, trustees, clerk, treasurer or collector. Nine trustees shall be elected the first year, three of which shall serve for one year, three for two years, and three for three years. Within eight days after the first election, the trustees elected shall meet at the corporation hall of said village, and there in the presence of the president and clerk shall determine which three of their number shall serve for one year, which three for two years, and which three for three years. and thereafter three trustees shall be elected in each year. All other officers except the said president, trustees, clerk, treasurer and collector shall be appointed by said board of trustees, and shall hold their offices during the pleasure of the said president and trustees.

§ 2. Every person residing in said village who shall have been a resident thereof for thirty days previous to any election under this act, and possessing the qualifications prescribed by the constitution to authorize him to vote for elective officers, may vote at any election held in pursuance of this act; but no person shall vote upon any proposition to raise a tax or appropriate the same, at any meeting or election, unless he shall at the time be a freeholder within said corporate limits, or shall have been assessed for a village tax, on the last assessment roll of the said corporation, other than for highway labor.

Electors.

Freeholders may vote for tax.

§ 3. The persons holding office in said village may continue to hold such offices respectively, until the first Tuesday in March, eighteen hundred and sixty, or until others shall be elected in their places. An election shall be held on the said first Tuesday in March, eighteen hundred and sixty, and on the same day in each and every year thereafter, for the election of the elective officers named in the first section of this title; and the trustees of said village, or the major part of them, for the time being, shall be the inspectors of such elections, and shall give notice thereof by posting written or printed notices of the same, in five public places in said village, at least six days before said election. They shall declare the persons receiving the greatest number of votes duly elect-

Term of office of present officers.

Town officers, when elected.

ed to the respective offices to which they were chosen, and give a certificate of such result, signed by them, to the clerk of the corporation, who shall file said certificate, and record the same in the book containing the proceedings of the corporation, which record shall be sufficient evidence of such result.

Term of
office.

§ 4. The term of office, with the exception of the trustees, of the officers to be elected in pursuance of the last aforesaid section, shall expire in one year from the Tuesday next succeeding their election, and the term of office of the several officers elected under this act, with the exception of the trustees, shall commence on the Tuesday next succeeding their election.

Election
laws to
apply.

§ 5. All laws relating to general elections for state officers, as far as the same shall be applicable, shall be deemed to apply to all elections authorized by this act; and the inspectors of all elections under this act shall have the same power and authority in all respects, as near as may be, as inspectors of elections in towns possess.

Treasurer,
police con-
stable and
collector
to execute
bond.

§ 6. The treasurer, police constable and collector, shall severally, before they enter upon the duties of their respective offices, execute a bond to the president and trustees of the village of Sing Sing, their successors and assigns, in such sum and with such sureties as the board of trustees shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over, according to law, all moneys received by them, respectively; which bond, with the approval of the board of trustees thereon, certified by the clerk, shall be filed with the clerk of the village.

Penalty for
refusal to
serve after
election.

§ 7. If any person who shall have been duly elected to any office in said village, in pursuance of this act, shall refuse or neglect to accept such office (in writing, to be filed with said clerk) for five days after personal notice in writing from the clerk, of his election, he shall forfeit the sum of ten dollars.

Books,
papers, &c.,
to be de-
livered to
successor.

§ 8. If any person, having been an officer in said village, shall not, within ten days after notification and request, deliver to his successor in office all the books, papers, property and effects of every description in his possession, belonging to said village, or appertaining to his office, he shall forfeit and pay for the use of the said

village fifty dollars, besides all damages caused by his neglect or refusal so to deliver.

§ 9. The president shall be the executive officer of the village, and shall have power to call special meetings of the trustees when he shall think proper, or when requested so to do by any two of the trustees; shall preside at all meetings of said trustees; to give a casting vote on any question on which the votes of the trustees are equally divided; to sign, as such president, all by-laws, rules, regulations, ordinances, orders, bonds, appointments, deeds, covenants and contracts, made by the trustees in behalf of the said corporation, in all cases where, in his judgment, such instruments are not inconsistent with the provisions of this act; to see that all by-laws, rules, orders, regulations and ordinances, lawfully made by the trustees, are carried into effect and duly executed; to give the proper notice of every annual or special meeting of the inhabitants of said village, held under the authority and for the objects specified in this act; to preside at all such meetings thus convened; to collect all fines, penalties and forfeitures incurred under this act, or any by-law, rule, order, regulation, or decision made in pursuance thereof; to commence and prosecute all such suits, in the name of the corporation, as shall be ordered or directed by the trustees; to pay all moneys which shall come into his hands, for the use of the said corporation, to the treasurer thereof, and take his receipt therefor; to sign and direct the payment of all accounts and demands against the said corporation that have been audited and allowed by the trustees, and all other legal drafts and demands upon the treasury of the said village; and to do all such other acts and things as may appertain or belong to the duties of such presiding officer, or which the said trustees may legally require him to do.

President,
his duties
and powers.

§ 10. The clerk shall attend and act as clerk at all meetings and elections of the inhabitants and trustees, record their proceedings, keep all books and papers and the seal of the corporation, and deliver the same to his successor, on demand; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced, and for certify-

Duties of
clerk.

Fees.
Books and
papers.

ing the same he shall be entitled to receive six cents a folio from the person requiring the same. The books and papers under his custody and control shall always be produced for inspection to any person who may be interested; he shall attend to the publication of all by-laws, ordinances and notices which the trustees shall direct, notify all persons of their election or appointment to office under this act, and perform such other duties as the trustees may from time to time lawfully direct, for which services he shall receive such compensation as the trustees shall direct, but not to exceed the sum of fifty dollars per annum; but the president and trustees shall receive no compensation for their services under this act.

Poll list to
be kept.

§ 11. The clerk shall keep a poll list of the names of all persons voting at any election of officers of said corporation; and in case of his absence from any meeting of the inhabitants of said village, authorized by this act, or of said trustees, such person as shall be chosen or appointed therefor by the trustees shall, on such occasions, perform the duties appertaining to such clerk.

Duty of
treasurer.

§ 12. The treasurer shall receive all moneys directed to be paid into the treasury of said corporation, and pay out the same, and shall render an account of the state of the finances to the trustees, whenever ordered by them; and shall deliver all moneys, books, papers and property of the corporation, in his hands, to his successor in office, on demand; no money shall be paid by the treasurer for any purpose, unless directed and appropriated by a previous vote of the trustees, with a check of the clerk, countersigned by the president of the said village for the time being; and the treasurer, in his settlement with the trustees, shall be allowed for no moneys except such as are paid out as above, and shall receive for his compensation one per cent on all moneys paid out by him, except moneys paid by him to his successor in office, which compensation shall be ordered paid by said trustees, on inspection of his accounts, if the same is found correct.

Statement
to be made.

It shall be the duty of the treasurer, in each and every year, during the period in which he shall hold such office, to make a statement of his accounts, including all moneys received by him, and the manner in which he has expended or disbursed the same, which statement shall be verified

by his oath, and published in the newspapers printed in said village, one week preceding each annual election.

§ 13. All officers, authorized to be appointed by the trustees under this act, shall perform such duties as shall be required of them, respectively, by this charter and the by-laws, rules, resolutions, regulations and ordinances of the corporation.

Officers to perform duties required of them.

§ 14. Vacancies in the offices of president and trustees, occurring in any manner before the expiration of the term for which they shall be elected, may be filled by appointment of the board of trustees; and any person so appointed shall hold such office for the unexpired term thereof, and until his successor shall have been duly qualified. All appointments by the board of trustees, under this act, shall be in writing, and attested by the corporate seal, and signed by the president or presiding officer of the board of trustees and the clerk. In case of a failure to elect a president or trustees, at an annual election, or if from any cause there shall be no president or trustees, the clerk shall appoint the time and place for holding a special election, and give notice thereof in the usual manner, and appoint the inspectors of elections. And in case there shall be no president, trustees or clerk, any six inhabitants, qualified to vote under this act, shall appoint an election and inspectors thereof in the usual manner.

Vacancies in office of president and trustees

Appointments by trustees.

Special elections may be ordered.

§ 15. No person shall hold more than one office, either elective or by appointment, under this act.

§ 16. All officers elected or appointed under this act shall, before entering upon the duties of their respective offices, take and subscribe the oath or affirmation of office prescribed by the constitution of this state. Such oath or affirmation may be taken before the president of the village or any other person authorized to administer oaths, and the officer administering such oath, shall not be entitled to receive any compensation therefor, and such oaths shall be filed with the clerk of the village.

Oath to be subscribed.

TITLE III.

OF THE TRUSTEES, THEIR POWERS AND DUTIES.

SECTION 1. The trustees shall have the management and control of the finances, and of all the property, both

Trustees to have manage-

ment of
finances
and proper-
ty of village

real and personal, belonging to the corporation, and shall have power and authority, within said village, to make, establish, publish, alter, modify, amend and repeal the rules, resolutions, regulations, ordinances and by-laws, for the following purposes, viz.:

To preserve
the peace.

1. To prevent vice and immorality, to preserve peace and good order, to quell and prevent any noise, disturbances, riots and disorderly assemblages or meetings; to restrain and suppress disorderly houses, houses of ill-fame, gaming-houses, and instruments and devices for the purpose of gaming.

Auction
sales.

2. To regulate auction sales.

Rolling of
hoops, fly-
ing kites,
&c.

3. To prohibit or regulate the rolling of hoops, playing at ball, flying of kites, sliding down hill on sleds, or any other amusements or practices having a tendency to annoy persons passing on streets or sidewalks, or to frighten or interfere with teams or horses in said village; and to regulate or prevent the firing of guns, pistols, firearms, and the use or firing of crackers, rockets, squibs and fireworks in said village.

Bathing.

4. To regulate or determine the time and place of bathing, in any of the waters within the corporate bounds of said village or adjacent thereto, and to prevent the same.

Cattle, &c.,
running at
large.

5. To restrain the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of proceeding, and to appoint one or more persons to drive any of the aforesaid animals, so running at large, to the pound, and to determine their fees and duties; to establish and regulate public pounds; to appoint pound keepers and to prescribe their powers and duties, and to regulate and prevent the running at large of dogs owned by persons residing in the said village.

Horse-
racing.

6. To prevent horse-racing, immoderate riding or driving within the limits of said village, and to authorize the stopping of any one who shall be guilty of such immoderate riding or driving in said village.

To remove
incumbran-
ces.

7. To prevent and remove all incumbrances, obstructions and encroachments from any cause whatever, upon the public streets, alleys, bridges, public squares or grounds, sidewalks or crosswalks of said village, and to

cause the same to be removed, and the streets to be cleaned, and to prevent riding, driving or leading horses, teams or cattle, with or without wagons, sleighs or carriages, on any sidewalks in said village.

8. To compel all persons to keep and remove snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them.

To have
sidewalks
kept clean.

9. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stall, privy, sewer, slaughter-house, or other unwholesome house or place, to cleanse, remove, abate or discontinue the same, whenever the same may be necessary for the health, comfort or convenience of the inhabitants of said village.

To prohibit
nuisances.

10. To regulate slaughter-houses, to direct or prevent the use or location of the same, and to abate nuisances generally.

Slaughter-
houses.

11. To regulate the keeping and conveying of gunpowder and other combustible and dangerous materials.

Gunpowder

12. To regulate the ringing of bells, to erect hay scales in said village, and to appoint an examiner of weights and measures.

Ringling of
bells.

13. To sanction or prohibit, in their discretion, all exhibitions of any natural or artificial curiosities, caravans of animals, circuses, theatrical and other shows or exhibitions, or performances for money, within the bounds of said corporation. The said trustees, or a majority of them, may license any such exhibition or performance, on payment, for the benefit of said corporation, of not less than five nor more than twenty dollars. But nothing in this section shall be construed to prevent the delivery of literary, historical or scientific lectures in said village, the use and exhibition of apparatus illustrating the same, and the receiving of money for the same, nor shall any license be required for the delivery of such lectures.

Exhibitions

lb. may be
licensed.

14. To construct and regulate reservoirs, hydrants, water pipes, public pumps and wells, the expense whereof shall be assessed upon the property holders benefited thereby; and no such improvement shall be made except upon the petition and application of one-half of the property owners thus to be assessed; and all such assessments, when made, shall be enforced and collected in the manner provided by section three of title five for en-

Reservoirs,
hydrants,
&c.

forcing payment for constructing, relaying and repairing sidewalks.

To grade
and regu-
late streets.

15. To grade, pitch, level and repair, construct, make, amend or relay (or cause the same to be done) any street, lane, alley, road or highway, sidewalks, crosswalks, bridges, drains, sewers or aqueducts, either with plank, stone, brick, dirt or gravel, as said trustees may determine; and to provide for the planting or setting and protecting ornamental or shade trees in any public square, grounds or streets in said village.

Boundaries
and streets.

16. To survey the boundaries and streets of said village, from time to time, establish the same, and make a map thereof.

To protect
against
fires.

17. To enter, and authorize others to enter, in the day-time, when it shall be necessary so to do, into any building in the said village in which shall be a fireplace, chimney, stove or stove pipe, for the purpose of examining the condition of the same, and to make such regulations in regard thereto as a proper security against fires shall in their judgment require.

Other
powers.

18. To exercise all other powers, conferred on them by this act, for any purposes whatever.

Police
constable,
duty of.

§ 2. The trustees shall appoint a competent and suitable person to officiate as police constable, who shall hold his office during the pleasure of said trustees. It shall be the duty of said police constable to serve all papers and processes for or on account of the said trustees, or appertaining to the said corporation; to arrest all disorderly persons or disturbers of the public peace; to see that the rules, regulations and by-laws of the said trustees in relation to the police and the regulation of the affairs of said corporation are duly observed and enforced; to attend at fires and other unusual assemblages to preserve order and to protect property, to use his utmost endeavors, at all times, to prevent or quell all riots at any and every unlawful proceeding, and to do and perform all such other acts and duties, consistent with his office, which the president or trustees may direct, for which said services he shall receive such compensation as the said trustees may allow. And the said police constable is hereby authorized and empowered to serve processes issuing from the courts of justice, and to perform the other duties pertaining to the office of a constable in the county of

Westchester, the same as other constables elected by the people in the respective towns may do, and with like effect, and for which he shall receive the same fees allowed by law to others for similar services.

§ 3. The trustees shall hold a meeting of their board, for the transaction of public business, on the first Monday in every month, at which the president shall preside. In the absence of the president, they shall appoint one of their number to perform his duties, and in the absence of the clerk from any such meeting, they may appoint any person to perform his duties for the time being. A majority of the trustees shall constitute a quorum for the transaction of business.

Monthly meetings to be held.

§ 4. The trustees of said village may make, publish, ordain, amend and repeal all such ordinances, by-laws and public regulations, not contrary to the laws of this state, as may be necessary to carry into effect the powers given to said trustees by this act, and enforce observance of all rules, regulations, resolutions, ordinances and by-laws, made in pursuance of this act, by imposing penalties on any person or persons, or corporations violating the same, not exceeding in any one case or violation fifty dollars, to be recovered with costs in a civil action, in any court having cognizance thereof. Every such ordinance or by-law, imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be subscribed by the president and clerk, and published two weeks successively in any newspaper printed in said village; and proof of such publication, by the affidavit of the printer or publisher of said newspaper, taken before the president of said village, or any officer authorized to administer oaths, and filed with the clerk of said village, or any other competent proof of such publication, shall be evidence of the legal publication of such ordinance or by-law, in all the courts and places.

May repeal by-laws, &c.

Ordinance imposing penalties, to be signed by president and clerk.

§ 5. The trustees shall have power, from time to time, to prescribe the duties of all officers and persons appointed by them under this act, subject to the provisions of the same, and may remove all such persons, so appointed, at any time.

Trustees may prescribe duties of, and remove persons appointed under this act.

TITLE IV.

OF THE ASSESSMENTS, LEVYING AND COLLECTION OF TAXES.

Moneys to
be raised
by tax.

SECTION 1. The trustees are authorized and empowered to raise money by tax, to be assessed upon the estate, real and personal, within the bounds of the said corporation, and to be collected from the several owners and occupants thereof, for the purchasing of any real or personal property for the use of said village, and to defray the ordinary and contingent expenses of the said corporation, embracing the working of streets and highways, lighting streets and all expenses pertaining to said village, except such as shall be levied and assessed upon property owners and holders for any local improvement, who shall be benefited thereby as herein provided ; but no tax shall be levied or collected to an amount exceeding two thousand five hundred dollars in any one year, unless such further or additional tax shall have been authorized by a vote, by ballot, of a majority of the taxable inhabitants of said village, qualified to vote under this act, present at any election, or at any special meeting, duly called for that purpose ; and in all cases, the voters voting in the majority to authorize such additional tax, shall not be less than one hundred and fifty ; the object of such tax and the additional amount to be raised shall, in all cases, be specified upon such ballot, and no board of trustees shall hereafter make any contracts or engagements with any person or persons, in any one year, for any greater amount or amounts or in the aggregate, than shall be levied by them under and in pursuance of this act.

Apportion-
ment.

§ 2. Whenever any tax shall have been directed to be levied, the trustees shall apportion the same among the taxable inhabitants and corporations of the said village, and the non-resident owners of property therein, in conformity, as nearly as practicable, with the provisions of law in respect to the assessment of taxes by town assessors ; and when the assessment roll shall have been reviewed and completed, it shall be the duty of the trustees, immediately thereafter, to deliver the same to the village collector, with their warrant under the hands of a majority of them, to be directed to said collector, commanding him to levy and collect the amount of such tax, in the same manner as warrants issued by the board

of supervisors to the collectors of towns, and to make return thereof, and to pay over the money to the treasurer within thirty days after its receipt by the said collector of the village.

§ 3. It shall be lawful for said trustees to issue new warrants, or to renew those which may be issued by them or their predecessors, for the collection of any tax, from time to time, so often as such warrants shall be returned uncollected in whole or in part, during the time prescribed by this charter; but the renewing of any such warrant shall in no way affect the liability of the collector or the sureties upon the bond of such collector.

New warrant may be issued.

§ 4. The collector shall proceed to collect the amount of such tax, together with the fees or compensation for his services, at the rate and in the manner following: Upon the receipt of such warrant, he shall give at least five days' notice, by publishing a notice in a newspaper in said village, and posting at least three copies of the same in three public places in said village, of the time and place, within two weeks after the receipt of said warrant, where he will sit at some place in said village, for three consecutive days, and receive the taxes aforesaid; upon which taxes being so paid within the said three days, he shall be entitled to and receive one per cent for his commissions for collecting the same; and for all taxes collected thereafter he shall be entitled to and receive a commission of five per cent; and in all cases where he shall collect such taxes, under a renewal of any such warrant, he shall be entitled to and receive a commission of ten per cent; and after deducting his said fees or compensation, he shall pay the residue to the treasurer of the village, within thirty days from the receipt of said warrant by him (who shall give the collector a receipt for the same), and file the treasurer's receipt therefor with the clerk, together with his warrant and the tax list annexed thereto; and the money, when collected and paid to the treasurer, shall be applied by the treasurer to the purposes for which such assessment was made, under the direction of the said trustees.

Taxes, how collected.

Commission.

§ 5. Whenever any person or corporation, upon whose estate or property shall have been assessed, pursuant to the provisions of this act, any tax, shall neglect or refuse to pay the same, and no personal property can be found

Proceedings in case of refusal to pay tax.

whereon the same can be levied, the collector shall make return thereof to the trustees, who are authorized to cause the land or estate on which such tax is assessed to be sold at public auction for a term of time, for the payment of such tax, giving six weeks' notice of such sale by advertising in any newspaper published in said village, which notice shall contain a brief description of the premises, the amount of tax, requiring the owner or owners to pay the same by a day therein specified; and if such tax be not paid at the time and place specified in such notice, the real estate so advertised shall be so sold under the direction of the trustees, by the collector, or some other person for that purpose appointed by the trustees, to the person who shall offer to take it for the shortest term for the payment of such tax, and the interest thereof, and the expenses of such notice and sale; but no such sale shall be made for a longer term than five years. The proceedings shall be discontinued at any time before sale, upon any person paying to the village treasurer the amount of such tax or assessment, with the interest and printer's bill; and if the premises are sold, one dollar in addition to the interest and the printer's bill may be charged for the expenses of such sale; and if the premises are not redeemed within one year from such sale, the trustees shall execute to the person or persons entitled thereto, a lease of the premises so sold, under the corporate seal, and signed by the president for the time being, for the term for which the same were sold, to be computed from the expiration of one year from the day of such sales, which lease shall be presumptive evidence that such tax was legally imposed, and of the regularity of the proceedings and sale, for which the trustees may charge the sum of one dollar on delivery thereof to the purchaser; and such lessee or lessees, his, her, or their legal representatives or assigns, may by virtue of such lease obtain possession of said premises in the manner prescribed by law in relation to persons holding over real estate sold under execution, and shall and may lawfully enjoy such premises during the term specified in such lease, against the owners thereof, and all persons claiming under them, and shall be at liberty, within thirty days after the expiration of said term, to remove all buildings and fixtures put on said premises

Proceed-
ings, how
discon-
tinued.

during the said term, in the right of such occupancy; certificates of such sale may be issued under the corporate seal, signed by the president, setting forth the facts and circumstances of said sale, and the time at which such purchaser will be entitled to such lease, and delivered to such purchaser.

§ 6. The person or corporation in possession, as tenants, of any real estate, shall be liable to pay the taxes assessed thereon, and shall have the right to collect the amount of the owner, unless by agreement the occupant is bound to pay the same.

Tenants
may collect
taxes of
owner of
real estate,
unless, &c.

TITLE V.

OF HIGHWAYS, WALKS, STREETS, AND PUBLIC IMPROVEMENTS.

SECTION 1. The said village is hereby declared a separate road district, exempt from the superintendence of the commissioners of highways of the town of Ossining; and the trustees of said village shall be commissioners of highways for the same, and for such purposes shall possess and have all the powers possessed by commissioners of highways of towns under article fourth of title first, chapter sixteen and part first of the Revised Statutes, entitled "Of the laying out of public and private roads, and of the alteration or discontinuance thereof;" and section sixty-nine of the said title first shall not apply to the said trustees in laying out streets or highways under this act, but said trustees shall have the power to lay out and open streets in said village, and alter or widen any streets, alley, lane or highway in said village, through any orchard or garden, although such orchard be of the growth of four years or more, and such garden shall have been cultivated for four years or more, or through any buildings or any fixtures or erections for the purposes of trade or manufacture, or any yards or inclosures necessary to the use or enjoyment thereof, without the consent of the owner or owners; provided the necessity thereof is certified to by the oaths of twelve reputable freeholders, in the manner required by said article fourth for the laying out of highways through inclosed, improved or cultivated land; and in all cases of laying out, making and opening streets in said village, and altering, widening or discontinuing any street, alley,

Separate
ward dis-
trict.

lane or highway in said village, the said trustees shall conform to the provisions of the said article fourth, so far as the same can be made applicable thereto; and all the provisions of said article fourth for ascertaining and settling the damages done to land owners by reason of the laying out and opening highways, shall apply to all proceedings under this act for laying out, opening and widening any streets, lanes, alleys or highways in the village of Sing Sing; and whenever any street, alley, road or highway is laid out, altered or widened by virtue of this act, the damages arising to property holders by reason thereof, and the expense of such laying out, altering or widening of any such street, alley, road or highway shall be assessed upon the property of the town of Ossining, and paid in the same manner as is now provided by law for paying the damages and expenses of highways laid out in that part of said town of Ossining not included in said village. And appeals may be taken from the action of the said trustees in laying out any street, alley, lane or highways, or in altering or widening the same, and from the action of said trustees in refusing to lay out any street, alley, lane or highway, in the same manner as appeals are now taken from the action of commissioners of highways, and such appeals shall be conducted in the same manner as is provided by said article fourth of title first, chapter sixteenth of part first of the Revised Statutes.

Appeals.

Streets, &c.,
laid out, to
be surveyed
described
and record-
ed in book.

§ 2. The trustees shall cause all streets, alleys, lanes or highways laid out by them to be surveyed, described and recorded in a book to be kept by the clerk of said village, and the said streets, alleys, lanes or highways, when opened and worked, shall be public highways.

Owner or
occupants
to construct
sidewalks
and keep
the same
in repair.

§ 3. It shall be the duty of the owner and occupants of lots bounding on any of the streets in said village to construct, relay, and keep in repair the sidewalks opposite their respective lots, in such time and manner and of such materials as the trustees may, by a by-law, resolution or ordinance for that purpose, direct; and if any such owner or occupant shall refuse or neglect to construct, relay, or repair the sidewalks opposite the lot or lots owned or occupied by him, as aforesaid, when so directed to do by the trustees, as aforesaid, then in either case it shall be lawful for the trustees to cause such side-

walks to be so constructed, relaid or repaired for and on account of the owner of such lots, and such owner shall be liable to pay the expenses of such repair, relaying or construction; and all sums so expended upon sidewalk, not exceeding thirty dollars in any one year on every fifty feet of sidewalk, after being audited by the trustees, by a vote of their board, shall thenceforth be an assessment or tax to that amount upon every such lot; and thereupon it shall be lawful for the trustees to issue to the collector their warrant, returnable in thirty days, for the collection thereof of the goods and chattels of the person liable to pay the same; and if such warrant shall be returned unsatisfied, in whole or in part, to advertise and sell such lot in the manner prescribed in title four of this act, as in cases of sale for the non-payment of taxes; and the purchaser or purchasers, owner or owners, and his, her, or their legal representatives, shall have the same rights and privileges as are given to them respectively in and by said title.

§ 4. Whenever the occupant or lessee of any real estate in said village shall have been required, as above provided, to make, repair or construct any sidewalk, he may recover the expenses incurred therefor of the owner of such lot, or set off the amount thereof against the claims for rent of the owner or owners of said premises.

Expenses
may be
recovered.

§ 5. Whenever any sidewalk shall be required to be made or repaired upon or adjoining any unoccupied lot of land, all the owner or owners of which shall be non-residents of said village, or unknown, and such owner or owners shall neglect or refuse to construct or repair, after notice of such requirement shall have been published in any newspaper printed in said village, for six weeks successively, it shall be the duty of the trustees to construct or repair such sidewalk for and on account of such owner or owners, the expense of which shall be a lien or charge upon such lot, for which such lot may be advertised and sold, in the same manner and with the same effect as is provided in this act in cases of sales for non-payment of taxes.

In case of
neglect or
refusal,
trustees
may con-
struct side
walks.

§ 6. Whenever any real estate in said village is owned by two or more persons jointly, or as tenants in common, a notice served on one such person shall be sufficient notice to all for any purposes requiring a notice under this act; and whenever the said owners shall reside out of the

Expense to
be a lien.

Joint
tenants.

county of Westchester, it shall be sufficient to serve such notice on the occupant or lessee of such real estate.

TITLE VI.

OF THE PREVENTION AND EXTINGUISHING OF FIRES.

Trustees to regulate chimneys, fireplaces, &c.

SECTION 1. The trustees shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stove pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous, and to prevent the deposit of ashes in unsafe places; to require the inhabitants of said village to provide so many fire-buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in times of fire; to authorize the fire wardens or other officers of the village to keep away from the vicinity of any fire all idle or vicious persons, and to compel all persons to aid in the extinguishment of fires and the preservation of property exposed to damage thereat, and generally to establish such regulations for the prevention or extinguishment of fires as they may deem expedient.

Fire engines and other apparatus.

§ 2. The trustees shall procure fire engines and other apparatus used in the extinguishment of fires, and have the charge and control of the same, as hereinafter provided, and shall provide fit and secure engine-houses or other places for keeping and preserving the same; and shall provide by suitable by-laws for the organization of all engine, hook and ladder, hose and other fire companies in said village, which shall be composed of residents of said village not under eighteen years of age, and shall prescribe the duties of firemen, and make rules and regulations for the government of the fire department in said village. The members of the several engine, hook and ladder, hose and other fire companies in said village, when organized in pursuance of this section, shall have power to elect a chief engineer and one assistant engineer, which chief engineer, and in his absence the said assistant engineer, shall at all fires have exclusive charge, direction and control of the fire companies and all apparatus appertaining thereto in said village, and at all other times the said fire department shall be under the direc-

Firemen.

tion of the said chief engineer, subject, however, to the by-laws, orders and directions of the board of trustees of said village; and the said board of trustees shall have power to remove the said chief engineer and assistant engineer for any misconduct in office, after specifications of such misconduct shall have been made in writing and served upon them, and they shall have had ten days' notice to be heard before said trustees in their defense; which removal shall be by a resolution of the board of trustees, which shall be entered in the minutes of their proceeding, and served upon the person so removed; and after such removal it shall be the duty of the clerk to give six days' notice of a new election to fill the vacancy occasioned by such removal, and the person elected in pursuance of such notice shall fill such office during the unexpired term of the person so removed.

§ 3. The trustees shall be fire wardens, and shall have power, from time to time, to appoint such other fire wardens as they may deem necessary, and to prescribe their powers and duties, not inconsistent with this act.

Fire
wardens.

§ 4. The firemen enrolled by virtue of this act shall, during the term of their service as such, be exempted from serving on juries and in the militia, except in case of war, invasion or insurrection; and a service of five years as such firemen shall forever exempt them from such jury or militia duty, excepting as aforesaid. The name of each fireman so enrolled shall be registered with the clerk of the village; and the evidence to entitle him to the exemptions provided in this section shall be the certificate of the said clerk, countersigned by the president of the village.

Firemen to
be exempt
from milita-
ry and jury
duty.

§ 5. The present firemen of the village of Sing Sing, who are now inhabitants and residents of said village, shall continue to be firemen thereof, as long as they remain such residents and inhabitants, subject to the provisions of this act.

Present
firemen to
continue.

TITLE VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, rules, resolutions or regulations made in pursuance of it,

Actions to
be brought
in corporate
name.

shall be brought in the corporate name; and in such action it shall be lawful to declare or complain generally, for such penalty or forfeiture, stating the section of this act or by-law, ordinance, rule, resolutions or regulations under which the penalty or forfeiture is claimed, and briefly setting forth the violation thereof for which the complaint is made.

Process
may be by
summons.

§ 2. The first process in any such action, brought before a justice of the peace, may be by summons or warrant, and execution may be issued immediately thereon, on the rendition of judgment. If the defendant in any such action has no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require, where it shall appear that it was for a second offense, the defendant to be imprisoned in the jail of Westchester county for a term not exceeding sixty days.

No person
incompetent
by
reason of
his being an
inhabitant.

§ 3. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freholder in said village, in any action or proceeding in which the said village is a party or interested.

President
to administer
oaths.

§ 4. All oaths or affidavits which are required or authorized by this act may be taken before the president of said village; but the said president shall not be entitled to receive any fee for administering such oath.

Estate
vested in
village.

§ 5. All the estate, real or personal, vested in or belonging to, or held in trust, by the trustees of the village of Sing Sing, at the time this act shall take effect as a law, shall continue to be, and is hereby declared to be vested in the said village.

Former
acts repealed.

§ 6. All former acts and parts of acts relative to the incorporation of the village of Sing Sing are hereby respectively repealed; but the repeal of such acts shall not affect any act done, privilege granted, right accrued or established, institution located, or any proceeding, suit or prosecution had or commenced previous to the time when such repeal shall take effect. But every such act, privilege, right, location, and proceeding shall remain as valid and effectual as if said acts had remained in full force, but subject, nevertheless, to the provisions of this act. And all officers, elected or appointed under or by virtue of acts hereby repealed, shall continue in office until the second Tuesday in March, eighteen hundred

and fifty-nine, unless the term for which they or any of them were elected or appointed shall sooner expire.

§ 7. All resignations of any officers under this act, shall be made to the trustees, subject to their acceptance. Resignations.

§ 8. All fines, forfeitures and penalties, and all moneys received for any purposes under this act, shall be paid to the treasurer of said village, and may be applied by said trustees to any purpose consistent with this act. Fines, forfeitures and penalties.

§ 9. Special meetings of the inhabitants of said village may be called by the same persons, and in the same manner, as is provided for the calling the annual meeting or elections in this act. The notice of such special meetings shall state the object of such meeting. Special meetings.

§ 10. The president and trustees of the village of Sing Sing, either individually or when acting as a board of trustees, shall have no power to contract any debt or liability upon or against said village, or do any act or thing at the expense of said village, unless there shall be money or funds in the hands of the treasurer of said village sufficient to pay for the same at the time of contracting such debt or liability, which shall have been appropriated by the board of trustees for such purpose; and all acts by them, or either of them, contrary to the provisions of this section, are hereby declared to be a misdemeanor, punishable by indictment; and upon conviction of any person for a violation thereof, he shall be punished by imprisonment in the county jail not less than thirty days, nor to exceed three months, and by a fine not to exceed two hundred and fifty dollars. And the said president and trustees, for a violation of this section, may be indicted jointly or severally, and in their names of office or individually. President or trustees may not contract debts against village.

§ 11. Any president or trustee of said village who shall contract any debt or liability against the village, except in the manner specified in the preceding section of this act, shall be individually liable to pay the same to any person or persons with whom such contract may be made, or to any person to whom the said debt or demand may have been assigned; but no such president or trustees shall have any action at law or in equity, or redress against said village, for any debt or liability, paid by them or either of them, on account of such claim or demand. President or trustee contracting debt, except as herein specified, to be individually liable.

Board of health.

§ 12. The president and trustees are hereby empowered to act as a board of health, at all times to guard against the introduction of any malignant or infectious disease, and to adopt such measures as their judgment shall dictate to secure cleanliness and purity of atmosphere in the streets and alleys, and to promote the sanitary condition of the village.

Privileges and restrictions.

§ 13. The said corporation shall possess the privilege and be subject to the restrictions contained in part one, title three, chapter eighteen of the Revised Statutes, as far as they are applicable to such corporation.

Bond may be required.

§ 14. The trustees shall have power to require of any officers appointed by them, a bond for the faithful performance of their duties, in such amounts and with such sureties as they, the said trustees, shall approve.

Trustees not to be interested in contracts.

§ 15. No member of the board of trustees shall be interested, either directly or indirectly, in any contract to which the village is a party; and any president or trustee who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail not less than thirty days, nor to exceed three months, and by a fine not to exceed two hundred and fifty dollars.

Assistant police constables.

§ 16. The trustees shall have power to appoint, if in their discretion they deem it necessary at any time, one or more assistant police constables, not exceeding five, who shall hold their offices either temporarily or until the next election of village officers, at the discretion of the board of trustees, and perform the duties of watchmen in said village, and such other duties as shall be assigned them, and they shall be entitled to such compensation for the time they shall be in service as the said board shall determine, not exceeding fifteen dollars per year for each of them.

Fines, forfeitures, &c.

§ 17. All fines, forfeitures and penalties shall be paid to the treasurer of the village, and may be applied by said trustees to any purpose consistent with the act of incorporation of the village.

Habitual drunkards or riotous persons to be punished

§ 18. All habitual drunkards, all drunken persons or persons found intoxicated in the streets in said village, or riotous persons, or persons engaged in quarreling and fighting in any of the streets in said village, in addition to those persons enumerated in the first section of title

fifth, chapter twentieth of the first part of the Revised Statutes, shall be deemed disorderly persons, and may be proceeded against and punished according to the provisions of this act.

§ 19. The president of said village, the trustees and each of them, the police constable or any of the assistant police constables, shall have power, and are hereby authorized, at any and all times, to arrest or cause to be arrested, with or without process, any disorderly person or persons mentioned in the preceding section, and shall have power, with or without process, to enter, or cause to be entered, any building or place within the limits of said village, and arrest, or cause to be arrested, any such disorderly person or persons, and shall take them forthwith before any justice of the peace residing in said village, to be dealt with according to the provisions of this act. In case a justice of the peace cannot be found, then the officer so arresting any such offender may detain him in custody, or commit him to the county jail, or any other convenient or secure place for safe keeping until a justice can be found, not to exceed forty-eight hours, when the officer shall immediately bring him before such justice of the peace, to be tried as hereinafter provided; said officers, or either of them, shall have power to command assistance whenever he shall deem it necessary.

President, trustees or police constables may make arrest.

May be detained in custody.

§ 20. When any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested and brought before any justice of the peace in said village, the said justice shall proceed forthwith to hear, try and determine the complaint or charge on which such person is so arrested, or he may, in his discretion, adjourn the hearing or trial, on cause shown, not to exceed five days, and in the meantime shall commit the accused to the county jail, or any other convenient and secure place, until such day, or suffer him to go at large on his executing a bond with sureties, under the approval of said justice, conditioned that he will appear on said adjourned day; and upon the conviction of any such offender, either by confession or competent testimony, the said justice shall have the power, and is hereby authorized, to punish by fine, not exceeding fifty dollars, or by imprisonment in the county jail of Westches-

Proceedings against persons arrested.

ter county, not to exceed six months, or by both such fine and imprisonment.

Commis-
sioners of
highways to
pay over
moneys to
trustees.

§ 21. It shall be the duty of the commissioners of highways of the town of Ossining to pay over to the president and trustees of the village of Sing Sing, two-thirds of all the moneys received by them from any source whatever, within thirty days after the receipt thereof by said commissioners, and the same shall be applied by the said president and trustees within the corporate limits of the village of Sing Sing for the purpose of repairing roads and bridges.

Public act.

§ 22. This act is hereby declared a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained.

§ 23. The legislature may at any time hereafter modify or repeal this act.

§ 24. This act shall take effect immediately.

Chap. 440.

AN ACT to amend an act entitled "An act to authorize the county judge of Dutchess county to appoint a crier of the courts of record to be held in and for said county."

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act in relation to a crier for the county of Dutchess," passed July eighteenth, eighteen hundred and fifty-three, is hereby amended as follows:

Amend-
ment.

That the clerk of said county of Dutchess, and in his absence his deputy, shall be crier of all the courts of record in said county, and be paid the same compensation therefor and in the same manner as justices of sessions are now paid.

§ 2. So much and such parts of the act in relation to criers, passed April fourteen, eighteen hundred and fifty-five, as conflicts with this act, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 441.

AN ACT to provide for additional compensation to jurors in attendance upon courts of record in Washington and Broome counties.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of Washington and Broome counties may, at the first annual meeting thereof after the passage of this act, or at any subsequent meeting, direct a sum, not exceeding one dollar and fifty cents per day, to be allowed to every grand juror and to every petit juror for attending the courts of record held within such county, in addition to any other fees which such jurors may receive, or they may direct such allowance to be made to grand jurors only, or to petit jurors only; and they may also direct an allowance to be made to such jurors for traveling, in coming to and returning from such courts, not exceeding three cents per mile. The money so compensating jurors shall be raised in the same manner as other county charges are by law to be raised and collected, and paid over in the manner now prescribed by law.

Compensation of jurors may be increased.

§ 2. This act shall take effect immediately.

Chap. 442.

AN ACT to amend the charter of the village of Greenbush.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In lieu of advertising in the state paper and posting notices of their proceedings, as now required by the charter of the said village of Greenbush, it shall be lawful for the trustees, in their discretion, to publish the same, by at least three insertions, in any newspaper

Publication of notices.

published in said village, or by at least six insertions in any paper published in the city of Albany.

Repeal.

§ 2. All provisions of the charter of said village and of the several acts in relation thereto, which are inconsistent with the foregoing section, and all statutes in regard to said village passed before the act of April seventeenth, eighteen hundred and fifty-four, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 443.

AN ACT to amend an act entitled "An Act for the relief of the Poughkeepsie and Salt Point Plankroad Company," passed March twenty-eight, eighteen hundred and fifty-four.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

May continue body corporate.

SECTION 1. The Poughkeepsie and Salt Point Plankroad Company shall continue to be a body corporate, notwithstanding the said road shall not be completed within the time limited by, and according to, the provisions of the act passed May seventh, eighteen hundred and forty-seven, entitled "An act to provide for the incorporation of companies to construct plankroads and of companies to construct turnpike roads;" and it shall be lawful for said company, by resolution, duly passed, to maintain and continue their road as a turnpike road instead of a plankroad, and to collect and charge only the tolls allowed to be charged by said act, and its amendments, on turnpike roads.

SECTION 2. This act shall take effect immediately.

Chap. 444.

AN ACT supplementary to the charter of the Long Island Railroad Company.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Long Island Railroad Company are hereby authorized to take and accept a lease of any railroad on Long Island now connecting with said Long Island railroad, or that may hereafter be connected therewith, and to run and operate and hold the same, under the general powers and subject to the liabilities of the charter of said Long Island Railroad Company.

Authorized
to accept
lease, &c.

§ 2. And said Long Island Railroad Company are further authorized to become the purchasers, in whole or in part, of the stock or bonds issued or to be issued by said connecting road or roads, built or to be built, or to guarantee the payment of said bonds, principal and interest; provided the giving said guarantee shall have been first authorized and approved at a meeting of the stockholders of said Long Island Railroad Company, by a majority of two-thirds in interest of the stockholders attending said meeting.

To purchase.

§ 3. The general railroad act of this state, passed April second, eighteen hundred and fifty, is so amended as to allow the Long Island Railroad Company to use upon their road, or any of the branches used by them, rails of fifty pounds in weight to the lineal yard; provided said rails be of American manufacture.

Rails of
fifty pounds
weight, &c.

§ 4. That the law authorizing land to be purchased and taken for the prevention of snow-drifts along the route of the Long Island railroad, passed March twenty-third, eighteen hundred and fifty-seven, be and the same is hereby amended so as to extend along the lengths of the several branches constructed or leased, or which may be constructed or leased, by said Long Island Railroad Company, except along the Brooklyn and Jamaica railroad from Jamaica to Brooklyn and within the limits of any incorporated village.

Snow drifts,
&c.

§ 5. The said Long Island Railroad Company may also

Steamboats

to be em-
ployed.

purchase or employ one or more steamboats or lighters for the conveyance of their passengers and freight between the steam terminus of their road at Hunter's Point and the city of New York; provided that the same shall in no manner interfere with the rights of the mayor, aldermen and commonalty of the city of New York.

Not to
change
terminus,
&c.

§ 6. The said the Long Island Railroad Company shall not be authorized to make any change of its present running termination at the South ferry, Brooklyn, until such company shall have complied with the provisions of an act entitled "an act to provide for the closing of the entrances of the tunnel of the Long Island Railroad Company in Atlantic street in the city of Brooklyn and restoring said street to its proper grade, and for the relinquishment by said company of its right to use steam power within said city;" and this act is passed upon condition that all the provisions of the contract authorized to be made with said company, or its assigns, in and by said act, shall be well and truly kept and performed; and this act is to take effect, so far as the allowance of the change of terminus, only upon the passage of said act, and upon a compliance with the terms thereof.

Chap. 445.

AN ACT to provide for the construction of a culvert under the Champlain canal, in the town of Stillwater, Saratoga county.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal commissioners
may cause
culvert to
be constructed.

SECTION 1. The canal commissioners are hereby authorized to construct, or cause to be constructed, and maintained, at the expense of the state, a culvert under the Champlain canal, in the town of Stillwater, in the county of Saratoga, near the residence of Harvey H. Hart; said culvert to be constructed at an expense not to exceed eight hundred dollars.

Treasurer
to pay cost
of culvert

§ 2. The treasurer shall pay, on the warrant of either the auditor of the canal department or of the comptroller,

the amount of cost of constructing such culvert, from any moneys that now are or may be appropriated for repairs or completion of the Champlain canal. or warrant of comptroller.

§ 3. This act shall take effect immediately.

Chap. 446.

AN ACT to incorporate the Jamaica Canal and New York Inland Navigation Company.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. John C. Stothoff, Thomas Wheeler, Charles I. Doane, J. Aug. Herriman, Richard Brush, D. H. Merks, John McCabe, and all such other persons as may associate themselves with them and their successors, are hereby created a body politic and corporate, by the name of "Jamaica Canal and New York Inland Navigation Company." Body corporate.

§ 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscription books for said stock shall be opened under the direction of Thomas Wheeler, J. A. Herriman, and John McCabe, or any two of them, as commissioners for that purpose, at such place or places, and on such day or days, in the city of New York or in the county of Queens, as they shall appoint, giving fourteen days' notice of each time and place of meeting, in at least one newspaper published in said county and in said city, and said subscription books shall be opened within one year after the passage of this act. In case a greater amount than one hundred thousand dollars shall be subscribed, the said commissioners shall distribute the stock in such a manner as a majority of them shall deem most advantageous to the public interests; but in case the capital stock of said corporation shall not be subscribed, then the said commissioners shall be authorized to reopen the said books at such other times and places, and in such manner, and after such notice as a majority of them shall direct. The said commissioners shall, at Capital stock.

the time of any subscription, require the payment by the person or persons subscribing, of five dollars on each share of stock so subscribed, and unless the same shall be paid, the subscription shall be invalid.

Surveying,
&c.

§ 3. The said corporation are authorized and empowered to employ their capital stock in surveying, constructing, navigating and maintaining a line of canals and water communication :

First. From Gravesend bay, in the county of Kings, to Jamaica bay, in Queens county.

Second. From said Jamaica bay across said bay, in the county of Queens, to the village of Jamaica, Queens county.

Third. And in excavating the ground, deepening the shoals, and straightening the channels in any of the said bays or intermediate places, which said canals shall be at least thirty feet wide at the bottom, and fifty feet wide at the surface, and three feet in depth at common low tide.

When to
commence
operations.

§ 4. The said corporation may commence their operations whenever ten thousand dollars shall be subscribed and paid in ; and they are authorized to employ such portion of their capital as may be necessary in purchasing, building or hiring dredging machines, steam and freight boats, for constructing and navigating said canals. And whenever the whole or any part of the said canals shall be completed, they are empowered to demand, collect and receive from every person or persons wishing to navigate the same such rates of toll as they shall from time to time ordain and establish, the same to be subject to alteration and revision by the canal board ; but nothing in this section shall be so construed as to prevent the navigation of said canals by boats and vessels other than those owned or employed by said corporation, on the payment of tolls for the use of said canals, nor the navigation of any part of said bays free of toll.

Nine direc-
tors.

§ 5. The said line of canals, capital stock, property, effects and government of the same shall be under the management and direction of nine directors, all of whom shall be located in the town of Jamaica. Said directors shall be elected by the stockholders, within sixty days after ten thousand dollars shall have been subscribed. fourteen days' notice being given of such election, and

shall hold their offices until the first Tuesday in June, in the next succeeding year after such election. On the said first Tuesday in June, and annually thereafter, there shall be an election for nine directors, who shall hold their office for one year, and until others shall be chosen in their places.

The first election shall be held under the superintendence and inspection of John C. Stothoff, J. A. Herriman and John McCabe, and every subsequent election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the directors. All elections shall be by ballot, and a plurality of votes shall constitute a choice. In case of an equal number of votes for any one or more directors, the remainder of the directors shall by ballot determine which shall be entitled to a seat in the board of direction. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days immediately previous to such election. The directors so chosen shall elect, as soon as may be, at or after the first meeting and every annual meeting thereafter, one of their number as president. In case of the death, resignation or absence of the president, the board of directors shall have the power of appointing a president pro tempore.

First election.

§ 6. In case it should at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, directed by the by-laws of the said corporation, within sixty days after the day on which it should have been held.

When election is not held.

§ 7. The board of directors shall have power to make all necessary rules, regulations and by-laws for regulating the time and manner of paying in the stock subscribed; for declaring the forfeiture of previous installments by the non-payment of subsequent ones, after giving thirty days' notice of demand of payment; for regulating the manner of voting by proxy; for directing elections to fill vacancies that may occur between the annual elections; for regulating the time and manner of declaring dividends of their profits; for the regulation of the conduct of officers and agents; for the appointment of as many officers and agents as they may deem requisite, and to determine the amount

Power of board of directors.

of their compensation, and generally to do all other acts they may deem expedient, for the purpose of carrying into effect the objects of the corporation, and not contrary to the provisions of this act, or any law of this state.

§ 8. No transfer of the stock of the corporation shall be valid or effectual, unless the same shall be registered in a book or books, to be kept by the directors for that purpose.

Chap. 447.

AN ACT in relation to school district number six, in the towns of Southfield and Castleton, Richmond county.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Provisions
of act ex-
tended.

SECTION 1. The provisions of the act entitled "An act to enlarge the powers of school district numbers two, three, five and seven, in the town of Castleton, in the county of Richmond," passed April fourteenth, eighteen hundred and fifty-five, are hereby extended and made applicable to school district number six, in the towns of Castleton and Southfield, Richmond county.

§ 2. This act shall take effect immediately.

Chap. 448.

AN ACT to incorporate Ocean Engine and Hose Company number one, in the village of Chatham Four Corners, Columbia county, New York.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Names of
corporators.

SECTION 1. Chauncey H. Peake, Abram Ashley, Jr., William Van Alstyne, Peter Revsoner, and such other persons as may be appointed with them, are hereby constituted a body corporate by the name and inscription of

Ocean Engine and Hose Company Number One, of Chatham Four Corners, Columbia county, New York, and by that name they and their successors shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and also, that they and their successors shall be in law capable of purchasing, holding and conveying any estate, real or personal, necessary for the purpose of extinguishing fires, and the preservation of engine, hose, hooks and ladders, apparatus, tools and implements of the said corporation to the amount of four thousand dollars.

SECTION 2. Said corporation shall have full power to make and establish such by-laws and regulations as they from time to time shall think proper, as to their officers, the time, place and manner of electing them, and the period of their continuance in office, and as to their powers and duties, and as to the election of members, and as to the government of the persons appointed or elected by them as members, and with respect to the purpose for which the corporation is constituted.

By-laws and
regulations.

SECTION 3. Said corporation shall have full power and authority to nominate and appoint a sufficient number of persons, not exceeding sixty for the engine, and thirty for the hose cart, and thirty for the hook and ladder, to have the care, management, working and using of the apparatus, and all the implements belonging to said corporation, and who shall be ready at all times to assist in the extinguishment of fires; and further, that said corporation, or a majority thereof, shall have power, from time to time, to remove any persons appointed as aforesaid, when and as often as they think proper, and to appoint others to fill vacancies occasioned by removal or otherwise.

May ap-
point fire-
men.

SECTION 4. Each of the said persons so to be appointed as aforesaid, who shall serve as such members, shall be during such service, exempt from serving as jurors in any of the courts of this state, and from all military duty, except in cases where the militia are ordered in actual service.

Firemen to
be exempt
from mili-
tary and ju-
ry duty.

SECTION 5. This act shall take effect immediately.

Chap. 449.

AN ACT to provide for the transfer of certain moneys from the general fund to the canal fund, and to appropriate the same, and also to appropriate certain moneys received for premiums on loans to the funds to which they belong.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Treasurer
to transfer
moneys
from the
general
fund to the
canal fund.

SECTION 1. The sum of one hundred and ninety-four thousand and sixty-two dollars and seventy-one cents, shall be transferred by the treasurer, on the warrant of the comptroller, from the general fund to the canal fund, to replace the amount erroneously paid to the general fund from the canal fund, in the years eighteen hundred and fifty-three, and eighteen hundred and fifty-four, and the said sum of one hundred and ninety-four thousand and sixty-two dollars and seventy-one cents, is hereby appropriated to that object, to be paid out of any moneys now in the treasury, or which shall hereafter be received, and it shall be the duty of the comptroller to pay and transfer the same during the present fiscal year.

Sums ap-
propriated
to the sink-
ing fund.

SECTION 2. The following sums are hereby appropriated to the objects hereinafter expressed, to be paid out of the premiums received on certain loans made by the commissioners of the canal fund during the last fiscal year:

\$24,800.

To the sinking fund under section one of article seven of the constitution, the sum of twenty-four thousand and three hundred dollars, and any interest which may have accrued thereon, being the premiums received on a deficiency loan of one million, five hundred thousand dollars due in eighteen hundred and sixty-eight.

\$31,025.50.

To the sinking fund, under section three of article seven of the constitution, the sum of thirty-one thousand and twenty-five dollars and fifty cents, being the premium received on a deficiency loan of five hundred thousand dollars, due in eighteen hundred and seventy-five.

\$1,825.

To the fund to pay interest on the loan of two hundred thousand dollars, under section ten, article seven of the constitution, due in eighteen hundred and sixty, the sum-

of one thousand eight hundred and twenty-five dollars, being the premium moneys received on said loan, made by the commissioners of the canal fund, under chapter three hundred and sixty-three of the Laws of eighteen hundred and fifty-seven, and which said sum of one thousand eight hundred and twenty-five dollars is hereby appropriated to pay interest on said loan.

SECTION 3. The sum of forty-seven thousand dollars, \$47,000. being the balance of the sum of three hundred and fifty thousand dollars raised, levied and collected, by the act chapter sixty-six of the Laws of eighteen hundred and fifty-six, and appropriated and directed to be paid over by that act, to the canal fund, to meet the payment upon the state debt, under the provisions of article seven of the constitution, is hereby reappropriated to the same objects, which sum shall be paid out of any money in the treasury, and shall be transferred on the warrant of the comptroller, from the general fund to the canal fund.

SECTION 4. The sum of four hundred and forty-two dollars and fifteen cents, being the balance of the appropriation of three thousand five hundred dollars, appropriated by the act chapter five hundred and seventy of the Laws of eighteen hundred and fifty-five, to complete the improvement commenced in the removal of the obstruction in the upper level of the Crooked Lake canal, between the outlet and the bridge known as Liberty street bridge, so as to make the same navigable at all seasons of navigation, and to make it a safe and convenient harbor for boats from the lake, is hereby reappropriated to the same object.

SECTION 5. This act shall take effect immediately.

Chap. 450.

AN ACT for the relief of James A. Story, Caleb M. Pierce and Charles Amsden.

Passed April 18, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The town auditors of the town of Cuba, in the county of Allegany, are hereby authorized and em-

Town auditors to allow certain per-

sons their
costs, &c.

powered, and it shall be their duty, to audit and allow to James A. Story, Caleb M. Pierce and Charles Amsden, of said town of Cuba, as a charge upon said town, any and all judgments, costs, damages, charges, counsel fees and expenses which have heretofore been incurred, by said Story, Pierce and Amsden, or either of them, or obtained against them in the defense of an action brought against the said Story, Pierce and Amsden, by Oramel Griffin, of said county, in the supreme court of this state, to recover the amount of a tax, and costs and expenses of collecting the same, of said Griffin, which said tax was predicated upon an assessment of personal property made by said Story, Pierce and Amsden, as assessors of said town of Cuba, in the year eighteen hundred and fifty-six; and also that the said town auditors audit and allow to the persons aforesaid all costs, charges and expenses incurred by them in the defense of actions in courts of justices of the peace, in said county, brought by said Griffin against the said Story, Pierce and Amsden, to recover a portion of said tax, or property sold therefor, and not included in the said action in the supreme court; and also the portion of said tax, or value of property sold therefor, which was paid to said Griffin by said Story, Pierce and Amsden, after their liability to pay the same was established by the determination of the aforesaid suit in the supreme court. And it shall be the duty of the board of supervisors of said county of Allegany to levy upon said town of Cuba, and direct the collection of a tax sufficient to pay the amount of the said account so to be audited and allowed as aforesaid, and which amount, when collected, shall be paid over by the supervisor of the town of Cuba, to the said Story, Pierce and Amsden, said amount to be audited, levied and collected as follows: One-third of the amount in the year eighteen hundred and fifty-nine, one-third in the year eighteen hundred and sixty, and one-third in the year eighteen hundred and sixty-one.

§ 2. This act shall take effect immediately,

Chap. 451.

AN ACT to continue in force the act entitled "An act to construct certain roads from the settlements in Lewis county to Brown's tract in Herkimer county."

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to construct certain roads from the settlements in Lewis county to Brown's tract in Herkimer county," passed June eighth, eighteen hundred and fifty-three, which expires, by its own limitation, on the first day of January, eighteen hundred and sixty, is hereby continued and declared to be in full force for the further period of seven years, from said first day of January, eighteen hundred and sixty.

Act continued in force.

§ 2. The comptroller shall pay over to said commissioners any balance remaining in the treasury for taxes heretofore levied, and the full amount of all taxes that may be levied under said act.

Chap. 452.

AN ACT to incorporate the Buffalo College.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Orsamus H. Marshall, Francis H. Root, Henry W. Rogers, Daniel Bowen, Peter M. Vosburg, Grosvenor, W. Heacock, John E. Robie, Otis F. Presbrey, Griffin Smith, George Howard, Aaron Rumsey, Jason Sexton, Charles G. Playter, Jesse Ketchum, Richard L. Waite, Pascal P. Pratt, Henry C. Walker, George W. Clinton, J. Leonard Corning, Thomas Carlton, John D. Hill, George S. Hazzard, James M. Scatchard, Isaac Hol-
loway, William A. Bird, Henry H. Otis, George R. Kibbe

Body corporate.

Authority
of corpora-
tion.

and Frederick A. Alberger, and their successors, are hereby constituted a body corporate under the name and style of the Buffalo College, with the right to adopt and use a seal for its purposes. Said corporation are hereby authorized to found, establish, regulate and maintain an institution of learning in the city of Buffalo, with an academical department that shall be free to persons of both sexes, in which may be taught practical mechanical sciences, mining and engineering, as well as the science of teaching. Said institution shall be forever open to receive students from any and every denomination, and shall not be used for the purpose of teaching sectarianism in any form.

Power of.

§ 2. The corporation hereby created shall have power to receive, hold and use for the founding and support of said institution, any gifts of personal property, moneys or real estate, by devise or bequest, to an amount not to exceed in the aggregate the sum of one hundred and fifty thousand dollars, or in any other way, subject to such conditions on the part of the donors as are not inconsistent with the general purposes of education or with the provisions of the educational laws of the state.

Real estate
to be used,
&c.

§ 3. Any real estate bequeathed or given to said corporation, lying within the city of Buffalo and granted for educational purposes, and so used, in erecting suitable buildings, making courts, parks or walks, shall be forever exempt from sale on execution for debts contracted by said corporation, nor shall such property be used for any other than educational purposes, nor shall it be encumbered by said corporation by mortgage or otherwise. The corporators shall be individually liable for all debts contracted by said corporation.

§ 4. To perfect such exemption it shall be the duty of the trustees to cause a declaration to be made, under the corporate seal, describing the property so exempted, and file the same in the office of the clerk of the county of Erie; after which record the same shall have full force and effect.

First board
of trustees.

§ 5. The persons named in the first section of this act shall constitute the first board of trustees. Said trustees shall meet on the first day of April, or as soon thereafter as a majority shall so determine, at some convenient place in the city of Buffalo, and shall elect from among their

number a president, vice-president, secretary and treasurer, who shall each hold their respective offices for one year. In case of a vacancy in the board, from death or any other cause, the majority of the balance of the board shall have power to fill such vacancy. Nine members shall constitute a quorum for the transaction of ordinary business, but to elect officers of the board, to fill vacancies or elect members of the faculty, shall require a majority of the trustees.

§ 6. The Genesee conference of the Methodist Episcopal Church shall have the right to nominate the president of the college, subject to confirmation by a majority of the board of trustees.

Genesee
conference

§ 7. The said college shall be subject to visitation by the regents of the university.

§ 8. Diplomas granted by this college shall entitle the holder to all the benefits and advantages allowed by usage or statute to the holders of similar diplomas granted by similar institutions.

Diplomas.

§ 9. This corporation shall possess all the powers and be subject to all the restrictions and provisions of the third title of part first of the eighteenth chapter of the Revised Statutes, so far as the same are applicable.

Powers, &c

§ 10. This act shall take effect immediately.

Chap. 453.

AN ACT for the enlargement of the Clinton, Auburn and Sing Sing prisons, and for other purposes.

Passed April 18, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expense of adding one hundred and thirty-three cells to the Clinton prison, or such number as may be necessary.

Appropriation for
Clinton
prison.

§ 2. The sum of eighteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for

Auburn
prison.

the purpose of enlarging and newly roofing the Auburn prison.

Sing Sing
prison.

§ 3. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of enlarging the Sing Sing male and female prisons.

Treasurer
to pay, on
warrant of
comptrol-
ler.

§ 4. The treasurer shall pay, on the warrant of the comptroller, the said sums specified, at such times and in such amounts as may be required for the prosecution of the work.

Fire-arms
for Clinton
and Auburn
prisons.

§ 5. The sum of three hundred dollars is hereby appropriated to purchase fire-arms for the use of the Auburn and Clinton prisons; the said sum to be paid by the treasurer on the warrant of the comptroller.

Money to
be expend-
ed under
special
direction of
governor,
lieutenant-
governor
and comp-
troller.

§ 6. No act shall be done or money expended under the provisions of this act, except under the special direction of the governor, lieutenant-governor, and comptroller, or a majority of them.

§ 7. This act shall take effect immediately.

Chap. 454.

AN ACT to confirm the official acts of Albert A. Drake, as notary public.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official acts
confirmed.

SECTION 1. The official acts of Albert A. Drake, of the city and county of New York, done and performed by him, as a notary public, between the time he took the oath of office on his appointment by the governor in November, one thousand eight hundred and fifty-six, and the nineteenth day of January, one thousand eight hundred and fifty-nine, shall be held to be of the same force and validity as if his nomination to the office of notary public had been duly made to and confirmed by the senate.

§ 2. This act shall take effect immediately.

Chap. 455.

AN ACT to permit the Buffalo Elevating and Storing Company to change the number of its directors.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Buffalo Elevating and Storing Company, a corporation duly formed and existing under and by virtue of the act entitled "An act for the incorporation of companies formed to navigate the lakes and rivers," passed April fifteenth, eighteen hundred and fifty-four, is hereby permitted to change the number of its directors.

May change
number of
directors.

§ 2. Whenever the directors of such company shall desire to so change the number of its directors, it shall be the duty of the directors to publish a notice calling a meeting of the stockholders for that purpose, which notice shall specify the number to which it is proposed to reduce such directors, and the time and place of such meeting, and which notice shall be published three successive weeks previous to the time of such meeting, as is required in section three of said act. A vote of at least two-thirds of all the shares of stock of said company shall be necessary to such diminution.

Notice to
be pub-
lished.

§ 3. If at any time and place specified in the notice provided for in the last preceding section, stockholders shall appear in person or by proxy, in numbers representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the directors chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present in person, or by proxy; and if, on canvassing the votes, it shall appear that a sufficient number of votes have been given in favor of increasing or diminishing the number of directors, a certificate of the proceeding, showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the number which the directors shall be diminished, shall be made

Proceed-
ings, how
conducted.

out, signed and verified by the affidavit of the chairman, and be countersigned by the secretary, and such certificate shall be acknowledged by the chairman and filed as required by the first section of this act; and when so filed, the number of said directors to be elected at the next election of directors of said company shall be reduced to the number stated in such certificate, which number shall thenceforth be the number of directors of said company.

§ 4. This act shall take effect immediately.

Chap. 456.

AN ACT to amend an act entitled "An act to incorporate the Manhattan Savings Institution," passed April tenth, eighteen hundred and fifty-seven.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Law amended.

SECTION 1. Section one of the act entitled "An act to amend an act entitled 'An act to incorporate the Manhattan Savings Institution,' " passed April tenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

§ 1. The sixth section of said act is hereby amended to read as follows :

Object of corporation.

§ 6. The general business and object of the corporation hereby created shall be to receive on deposit such sums as may be from time to time offered therefor, by tradesmen, clerks, mechanics, laborers, minors, servants and others, and investing the same in securities or stocks of this state or of the United States, or in the stocks or bonds of any city authorized to be issued by the legislature of this state, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive as deposits, from persons of the descriptions above mentioned, all sums of money which may be offered for the purpose of being invested

Deposits.

as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositor when required, at such time, with such interest, and under such regulations as the board of trustees shall from time to time prescribe; which regulations shall be put in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice-president, trustee, officer or servant of said corporation, shall directly or indirectly borrow the funds of the said corporation, or its deposits, or in any manner use the same, or any part thereof, except to pay necessary expenses, under the direction of said board of trustees. All certificates or other evidences of deposit, made by the proper officer of such corporation, shall be as binding on the corporation as if they were made under their common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a rateable proportion of all the profits of said corporation, after deducting all necessary expenses. The said corporation is hereby authorized to accumulate an amount not exceeding five per cent on the amount of deposits therein, to meet any contingency of loss in its business, which amount shall be invested for the security of the depositors; and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided rateably amongst the depositors in such manner as the trustees shall direct; and all moneys deposited in said corporation may be invested in such stocks and securities as are herein named, and on improved unincumbered real estate, located within this state, worth at least double the amount to be secured thereby; but no such loan upon real estate shall be for a larger sum than twenty thousand dollars. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower; and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the

Seal.

Duty of
trustees.Loans upon
real estate.

duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds and mortgages as provided for in this act, all sums received by them beyond an available fund, of not exceeding one hundred thousand dollars, or not exceeding one-third of the total amount of deposits with said institution, at the discretion of the said trustees, which they may keep to meet the current payments of the said corporation, and which may by them be kept on deposit, on interest or otherwise, or in such available form as the trustees may direct.

§ 2. This act shall take effect immediately.

Chap. 457.

AN ACT amending the act for the supply of water for the State Lunatic Asylum from the Chenango canal.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act amend-
ed.

SECTION 1. The act entitled "An act in relation to the State Lunatic Asylum," passed April twenty-second, eighteen hundred and forty-six, is hereby amended by the addition of the following sections, viz.:

Managers
of asylum
to have
control of
water.

§ 6. The managers of the said asylum shall have control of the water in the level of the section above the said fifth lock of the Chenango canal, and of the water discharged from said lock and level, for the purpose of supplying the said asylum with water and ice; and it shall be the duty of all officers having charge of said canal, and of the persons employed by them, to do all things necessary, and which may be required by said managers, for the supply of said asylum with water and ice as aforesaid; provided always, that the said managers, in their acts in reference to said section, shall be at all times subject to the direction and control of the acting commissioner having charge of the said canal, and that nothing shall be done or permitted by said managers which shall obstruct or interfere with the navigation of

said canal, or which shall not first receive the sanction of the canal commissioner in charge.

§ 7. It shall be the duty of the said acting commissioner to do whatever may be necessary to be done by him, to carry the preceding section into effect, so as in the best way to fulfill its intention of supplying said asylum with water and ice.

§ 2. This act shall take effect immediately.

Chap. 458.

AN ACT to amend the charter of the Camden Spring Water Company, in the county of Oneida.

Passed April 18, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section first of the act to incorporate the Camden Spring Water Company, in the county of Oneida, passed January thirty-first, eighteen hundred and forty-four, is hereby amended by striking out the words "ten dollars each," at the end of said section first, and insert in their stead, "twenty-five dollars each."

§ 1 amend-
ed.

SECTION 2. Section four of said act is hereby amended by adding at the end thereof :

§ 4 amend-
ed.

The directors are authorized and empowered, for the purpose of keeping the water works in repair, to impose a tax pro rata, on all the shares of the capital stock of said company, and to issue their warrant to the collector to collect the same, and in case any shareholder shall refuse or neglect to pay his or her tax, within ten days after a personal demand by said collector, upon the shareholder or upon the person occupying and using the same, the collector shall advertise the share or shares of the person so refusing or neglecting to pay his or her tax, for sale, to satisfy said tax, and any surplus money there may be, after paying the tax and costs of the collector, shall be paid to the person whose share has been sold. The collector shall post in three public places in the village of Camden, written or printed notices of the time and place of sale, not less than six nor more than

Directors
may impose
tax.

twelve days preceding the sale. The directors shall transfer the stock to the purchaser, who shall enjoy all the rights and privileges, and be subject to all the obligations of the original stockholders.

§ 3. This act shall take effect immediately.

Chap. 459.

AN ACT to amend chapter one hundred and eighty-nine of the Laws of eighteen hundred and fifty-six.

Passed April 18, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commis-
sioners re-
moved.

SECTION 1. William G. Wolcott and David Barrett, are hereby removed from the office of commissioners to build a bridge over South bay, and build a road from the foot of Canal street, in Whitehall, to the south line of Essex county.

Successors.

SECTION 2. Charles Pardo, of Whitehall, and Calvin Pease, of Dresden, are hereby appointed commissioners in place of William G. Wolcott, of Whitehall, and David Barrett, of Dresden.

New com-
missioners
to perform
the duties
and exer-
cise the
power of
predeces-
sors.

SECTION 3. The commissioners hereby appointed shall possess the power conferred, and discharge the duties required by the act hereby amended ; and all books, papers or money in the hands of said Wolcott and Barrett, or either of them, shall, upon demand, be delivered to A. G. Micklejohn, Charles Pardo and Calvin Pease, or either of them, who now are the board of commissioners named in the act hereby ; amended no costs, expenses or charges of any kind shall be incurred for which the state shall be liable, directly or indirectly, beyond the amount already drawn from the treasury.

To execute
bond.

SECTION 4. Before entering upon the duties of their office, said Charles Pardo and Calvin Pease shall each execute and deliver to the comptroller a bond, with sufficient sureties, to be approved by the comptroller, in the penal sum of ten thousand dollars, conditioned for the

faithful discharge of their duties, under the act hereby amended.

SECTION 5. This act shall take effect immediately.

Chap. 460.

AN ACT to authorize the town of Schroepfel in the county of Oswego, to purchase a farm and to erect thereon a town poor-house.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the county of Oswego are hereby authorized, at their annual meetings in each of the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, and one thousand eight hundred and sixty-one, to cause to be levied and collected in the town of Schroepfel in said county in like manner as other town charges are by law directed to be levied and collected, the sum of eight hundred and seventy-five dollars, and at their annual meeting in the year one thousand eight hundred and sixty-two the further sum of eight hundred and seventy-five dollars, or so much thereof as may be necessary to carry out the intentions of this act; all of which moneys, or so much thereof as may be necessary, shall be expended in the purchase of a farm and the erection of suitable buildings and improvements, to be used for the purpose of keeping thereon the poor of said town and such other persons as said town may be called upon to aid.

Tax to be levied, &c.

Purchase a farm.

SECTION 2. Said farm shall be the property of the town of Schroepfel, and shall be under the charge and control of the overseers of the poor of said town, who are hereby authorized and directed to employ a suitable person or persons at a reasonable compensation to take charge of said farm and the paupers therein, under the direction of the said overseers.

Farm to be the property of town of Schroepfel.

SECTION 3. The overseers of the poor in said town may, whenever in their judgment the interests of the town require it, remove any person requiring aid from

Power of overseers of poor.

the town, to said farm, and may employ them while there in the performance of such reasonable service as may be required. Persons refusing to perform such reasonable service shall not be entitled to any relief while persisting in such refusal. It shall be the duty of the said overseers to apply the proceeds of the farm to the support of the poor of said town, and to account annually for the same in the same manner as for other moneys.

Collector's
duties.

SECTION 4. The collector of said town of Schroeppe! shall pay over the sums specified in section one of this act, when collected, to the commissioners hereinafter named, and they shall be by them applied to the purposes herein specified.

Commis-
sioners to
purchase
farm.

SECTION 5. Andrew Gilbert, Dudley Breed and Amasa P. Hart, of the aforesaid town of Schroeppe!, are hereby appointed commissioners to purchase said farm, and to cause to be erected thereon suitable buildings and improvements, with power to make all necessary contracts therefor; provided that the entire cost of said farm, buildings and improvements, including interest on moneys borrowed and on all back payments, shall not exceed the sum of three thousand five hundred dollars. The said commissioners shall, before entering upon the duties of their office, execute their joint and several bond to the supervisor of said town, with two sureties, who shall be approved by the said supervisor, and conditioned for the faithful performance by said commissioners of their duties under this act, and the faithful application of said moneys.

Commis-
sioners to
proceed in
perform-
ance of
duty, &c.

SECTION 6. It shall be the duty of the said commissioners to proceed without unreasonable delay to the performance of their duties under this act, and to report annually to the supervisor and justices of the peace of the said town of Schroeppe! on the last Thursday preceding the annual meeting of the board of supervisors, all their official proceedings under this act, stating the amount of moneys received by them, with each item of expenditure, and the amount of money remaining in their hands at the date of their report. The said commissioners shall receive for their services at the rate of one dollar and fifty cents per day to each of them, for each day necessarily spent in

the discharge of their duties under this act, and shall accompany each annual report with a sworn statement of the time actually so spent.

SECTION 7. It shall be the duty of the supervisor and justices of the peace of the aforesaid town, on the last Thursday preceding the annual meeting of the board of supervisors in the year one thousand eight hundred and sixty-two, to audit the account of the said commissioners, and to determine and report to the board of supervisors of the aforesaid county the amount necessary to be raised to carry out the intentions of this act, said amount in no case to exceed the sum of eight hundred and seventy-five dollars. In case a vacancy should occur in the office of commissioner under this act either by death, neglect or refusal to serve, removal from the town or for any other cause, the supervisor and justices of the peace of said town, or any three of them, shall appoint a suitable person to fill said vacancy, and said person so appointed shall, after executing a bond as prescribed above, enter immediately upon the duties of his office.

Duty of
supervisor
and justice
of peace.

SECTION 8. The said commissioners are hereby authorized to borrow at a lawful rate of interest the moneys necessary to make a payment upon the farm, and to erect the buildings and make the necessary improvements in anticipation of the levying of the taxes aforesaid; provided that the sums so borrowed shall not exceed the aggregate amount of two thousand dollars.

Commis-
sioners may
borrow
money.

SECTION 9. This act shall take effect immediately.

Chap. 461.

AN ACT to repeal an act entitled "An act to amend an act to provide for the incorporation of companies to construct plankroads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, and the acts amendatory thereof, passed April fourteenth, eighteen hundred and fifty-eight.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act re-
pealed.

SECTION 1. The act entitled "An act to amend an act to provide for the incorporation of companies to construct plankroads, and of companies to construct turnpike roads, and the acts amendatory thereof," passed April fourteenth, eighteen hundred and fifty-eight, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 462.

AN ACT to extend the powers of circuit courts and courts of oyer and terminer.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Indictment,
proceed-
ings on.

SECTION 1. Whenever an indictment has been or shall be removed from a court of oyer and terminer, or any other court, into the supreme court, and a conviction has been or shall be had thereon at a circuit court, judgment may be rendered thereon by such circuit court, or any other circuit court which may be held in the same county, with the same effect as a court of oyer and terminer may render judgment upon a conviction had therein.

Removal of
record,
effect of.

SECTION 2. Whenever, after conviction upon any indictment, the record thereof shall be removed from any other court into the supreme court for the purpose of review,

the supreme court shall, upon affirming or reversing the judgment or other proceedings, remit the record to the court from which the same was removed; and the court to which the same shall be so remitted shall have power to proceed thereon according to the decision and direction of the supreme court.

SECTION 3. Courts of oyer and terminer shall have the same power to change the place of trial upon any indictment pending therein as the supreme court now has to change the place of trial in civil actions, and when the place of trial shall be so changed the indictment shall be deemed to be pending in the court of oyer and terminer of the county to which the place of trial has been so changed, and such court may proceed to try the same and render judgment thereon.

Courts of
oyer and
terminer
may change
place of
trial.

SECTION 4. This act shall take effect immediately.

Chap. 463.

AN ACT to enable the town of Champlain, in the county of Clinton, to raise money to pay for building bridges.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Champlain, in Clinton county, is hereby authorized to execute and deliver to the commissioners of highways of said town, bonds, in his name of office, for the payment to said commissioners or their assigns, the sum of money due upon a bond of six thousand dollars, executed and delivered by the supervisor of said town to the commissioners of highways of said town, according to the provisions of an act entitled "An act to authorize the town of Champlain to borrow money for the purpose of erecting and repairing bridges in said town, and to provide for the payment of the same by tax," passed February seventeenth, eighteen hundred and fifty-eight.

Supervisor
to execute
and deliver
bond.

SECTION 2. The bonds so issued shall be for the sum of five hundred dollars each, and shall be so arranged as

Bonds.

to time of payment of principal and interest, that they will correspond with the amounts to be raised by said town under the aforesaid act.

Bonds.

SECTION 3. Said bonds shall not be executed and delivered by said supervisor until the delivery to him and cancellation by said commissioners of highways, of the aforesaid six thousand dollar bond.

Comptrol-
ler may
loan money
to town.

SECTION 4. The comptroller of the state of New York is hereby authorized to loan to said town, upon said bonds, out of any moneys belonging to the common school fund, a sum not exceeding four thousand dollars.

SECTION 5. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 6. This act shall take effect immediately.

Chap. 464.

AN ACT to amend an act entitled "An act to provide for the preservation of fish in the waters of Oneida lake, and its tributaries," passed April seventeenth, eighteen hundred and fifty-seven.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1 amend-
ed.

SECTION 1. Section one of said act is hereby amended so as to read as follows :

§ 1. No person shall, at any time during the months of March, April, May or June take any fish in the waters of Oneida lake, or in the waters of any stream flowing into that lake, within two miles from the entrance of such stream into the lake, with any net, seine, weir or basket.

§ 2 amend-
ed.

SECTION 2. Section two of said act is hereby amended so as to read as follows :

§ 2. Whoever shall offend against the provisions of this act shall, for such offense, forfeit the sum of twenty-five dollars; and any justice of the peace, in either of the counties bordering on said lake, shall have jurisdiction over any offense committed in violation of this act.

Chap. 465.

AN ACT for the relief of the commissioners of highways of the town of Hurley, in the county of Ulster.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for, and the board of supervisors of the county of Ulster are directed to levy on the town of Hurley, in the county of Ulster, and include in the tax roll of said town for the year eighteen hundred and fifty-nine, the sum of six hundred dollars, to be made payable to the commissioners of highways of said town of Hurley, on the first day of February, eighteen hundred and sixty, for the purpose of enabling the said commissioners to pay the same, in liquidation of a debt due from them, incurred by the building of a bridge across the Esopus creek, in said town of Hurley, which said bridge was built in accordance with a law passed in April, eighteen hundred and fifty-seven.

Supervisors of Ulster county may levy tax on town of Hurley.

Chap. 466.

AN ACT to authorize the selection and location of certain grounds for public parks, and also for a parade ground, for the city of Brooklyn.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. John Greenwood, J. Carson Brevoort, William Wall, James Humphrey, John A. Cross, Nathaniel Briggs, Abraham G. Berry, Samuel S. Powell, Thomas H. Rodman, Nathan B. Morse, Thomas G. Talmage, Jesse C. Smith, Daniel Maujer, William H. Peck and Luther B. Wyman, or such of them as shall undertake the office of this commission, are hereby appointed commissioners to select and locate such grounds in the city of Brooklyn,

Commissioners appointed for selection and location of parks.

and adjacent thereto, as may in their opinion be proper and desirable, to be reserved and set apart for public parks, and also for a parade ground for said city; and they shall report such selection and location to the common council of said city, on or before the first day of November next, and also to the next legislature, upon the assembling thereof.

To receive
no compen-
sation.

§ 2. The said commissioners shall receive no compensation for their services under this act, but they are hereby authorized to procure maps and plans of the grounds so selected and located, and to employ surveyors for that purpose, at an expense of not exceeding the sum of two hundred and fifty dollars, and the same shall be a charge upon said city of Brooklyn, and shall be paid as other city charges.

Duties of
commis-
sioners.

§ 3. The said commissioners shall make such selection and location in view of the present condition and future growth and wants of said city; and the first meeting of the commissioners shall be held on the first Monday of May next, at twelve o'clock at noon, at the mayor's office, in the city hall in said city.

§ 4. This act shall take effect immediately.

Chap. 467.

AN ACT to authorize the supervisors of the county of Jefferson to raise money by tax.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Supervisor
of Jefferson
county may
levy tax on
town of
Rodman.

SECTION 1. The board of supervisors of the county of Jefferson are authorized and required, at their next annual meeting, to levy a tax of one thousand dollars upon the taxable property of the town of Rodman, in the county of Jefferson, which tax shall be collected in the usual manner and paid to the commissioners of highways of the said town of Rodman, for the purpose of rebuilding a bridge across Sandy creek, in the village of Rodman.

Chap. 468.

AN ACT in relation to the planting of shell-fish in the waters of Jamaica bay and creeks adjoining in the county of Queens.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The owners and lessees of land lying on Jamaica bay and the streams tributary thereto, in the county of Queens, may plant oysters or clams in the waters of said bay or creeks, opposite their respective lands, extending from low water mark into said bay, not exceeding four rods in width, and in the creeks not exceeding half the width of said creek ; but no one person or association shall plant such bed more than one quarter of a mile long.

Owners or lessees of land may plant shell-fish.

§ 2. Any owner or lessee so planting oysters or clams, shall designate the locality by two or more stakes driven into the bottom at the extreme corners of the bed so planted, and shall, by a suitable monument erected on the adjacent shore, indicate the fact of such planting but no stake shall be placed so as to interfere in any way with the navigation of said bay or creeks.

Locality to be designated.

§ 3. Any person who shall dig or catch oysters or clams on any locality planted as above provided, without the consent of the owner or lessee, or who shall willfully remove any stake or monument, set as above provided, shall for each offense forfeit the penalty of twenty-five dollars to said owner or lessee, to be sued for and recovered in any justice's court in the county of Queens, together with costs of suit.

Penalty for digging without consent of owner.

Chap. 469.

AN ACT for the preservation of fish in Judson's pond, in Danby, Tompkins county.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Fish not to be taken from pond without consent of owner.

SECTION 1. No person shall, by any net, hook or other device, take any fish from the pond situate upon the premises of Joseph Judson, in the town of Danby, in the county of Tompkins, without the consent of the owner of said pond.

Penalty.

§ 2. Whoever shall offend against the provisions of this act shall forfeit, for every offense, the sum of ten dollars, to be sued for and recovered with costs of suit before any justice of the peace of said town of Danby.

§ 3. This act shall take effect immediately.

Chap. 470.

AN ACT providing for the sale of certain lands belonging to the state, and appropriating the moneys arising therefrom.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Inspectors may sell and convey certain lands.

SECTION 1. The inspectors of state prisons are hereby authorized and directed to sell and convey any and so much of the lands belonging to the people of this state, and not required, in their opinion, for prison purposes, lying and being in the town of Ossining, in the county of Westchester, and known as the prison or state farm, subject to the conditions hereinafter mentioned.

Maps to be made.

SECTION 2. Before any such lands shall be sold or conveyed, the inspectors of state prisons shall cause accurate and correct maps to be made of all the lands aforesaid, and shall designate and set apart by certificate under their hands, all such lands as they shall deem best for the

interest of the state to be sold, and submit the same to the comptroller of the state, who, if he approve of the same, shall certify that the said lands are not needed for prison purposes, and that he approves the designation made by the said inspectors.

SECTION 3. The said inspectors shall, in case of approval by the comptroller as aforesaid, cause to be made two copies of the map of the lands so designated by them, together with their certificate and the certificate of the comptroller, one of which copies shall be filed in the office of the clerk of the Sing Sing prison, the other of which shall be recorded in the office of the county clerk of the county of Westchester, and the original shall be filed in the office of the comptroller of the state.

Map, together with certificate, to be filed in office of clerk of Sing Sing prison.

SECTION 4. The moneys arising from the sale of the lands aforesaid, shall be deposited by the said inspectors with the state treasurer, and are hereby appropriated for the purpose of building and repairing such works at the Sing Sing prison as the said inspectors, as aforesaid, shall direct, and shall be paid by the treasurer, on the warrant of the comptroller, to the agent and warden of the Sing Sing prison, in such sum or sums as the inspectors of state prisons shall from time to time certify to be necessary for the purpose aforesaid.

Moneys arising from sale, how appropriated.

SECTION 5. Whenever any money from the fund above provided for shall have been paid to the agent and warden of the said Sing Sing prison, and shall have been expended by him, he shall, within ten days thereafter, report to the inspector in charge of said prison for the time being, the manner in which the same has been expended, the persons to whom the same has been paid, for what services, if for services, and for what materials, if for materials, which report shall, verified by the affidavit of the said agent and warden, and of the clerk of said prison, to the effect that the same has been actually expended, as in said report shall appear, and shall also present to said inspector the original vouchers taken for such expenditures, and each of said vouchers shall be verified by the affidavit of the maker thereof, to the effect that they have actually received the amount specified in such voucher, in cash, that the services charged as rendered, or the materials charged as furnished, were

On receipt of moneys, agent or warden to report to inspector.

actually rendered or furnished, and that the price charged was a fair and reasonable one.

Inspector to
certify to
correctness.

SECTION 6. The inspector in charge, if satisfied that the report so made is just and true, shall certify that such report has been made to him, and that he has carefully examined the same and finds it correct; and the agent and warden shall file said report, together with the certificate of such inspector, and the original vouchers for the expenditures as aforesaid, with the comptroller; and no warrant shall be drawn by the comptroller for any money to be expended under the provisions of this act, until all moneys previously drawn shall have been fully accounted for as aforesaid.

False
swearing
deemed
perjury.

SECTION 7. All false swearing under any of the provisions of this act shall be deemed perjury, and punishable as such.

Price not
to be less
than \$250
per acre.

SECTION 8. None of the lands mentioned in this act shall in any instance be sold for a less sum than two hundred and fifty dollars per acre, and may be sold in such lots as the said inspectors shall deem best for the interest of the state, but all sales of land, made in pursuance of the provisions of this act, shall be by public auction to the highest bidder for cash. All sales so made shall be advertised in the state paper, in one paper published in the city of New York, having the largest circulation, and in one or more papers published in the village of Sing Sing, for the space of four weeks prior to such sale.

SECTION 9. This act shall take effect immediately.

Chap. 471.

AN ACT to repeal an act entitled "An act to provide for laying out and opening a road in township number six, in Old Military Tract, Clinton county," passed April fifteenth, eighteen hundred and fifty-seven.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to provide for laying out and opening a road in township number six, in the Old Military Tract, Clinton county," passed April fifteenth, eighteen hundred and fifty-seven, is hereby repealed.

Act repealed.

§ 2. This act shall take effect immediately.

Chap. 472.

AN ACT to provide for the construction of a stone road from Hudson river, in the county of Ulster, through one of the gorges of the Catskill mountains.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever Isaac Seymour, of the city of New York, Cornelius D. Westhook and Thomas Scott, of the county of Ulster, and such other persons as may unite with them in the formation of an incorporated company, under the provisions of the act entitled "An act to provide for the incorporation of companies to construct plankroads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, and of the various acts amendatory thereof, for the purpose of constructing a stone road from Hudson river, in the county of Ulster, through one of the gorges of the Catskill mountains, it shall be lawful for such company, when duly and legally organized, and

Certain persons may form a company.

whenever such road shall be finished and completed, in conformity with the provisions of present laws, to charge the sum of twenty-five cents per ton, for each and every ton in weight, beyond two tons, as and for the toll of any vehicle which may travel over said road and pass through its gates, or either of them; provided, however, that said increased toll shall not be collected at more than one gate for every ten miles of distance upon such stone road.

Law in
regard to
tolls.

§ 2. All the present provisions of law in regard to tolls shall be applicable to such company, whenever the weight of any vehicle and its load shall be two tons, or less; it being the object of this act to authorize the company to charge such increased toll only for each and every ton in weight which any vehicle and its load may exceed in weight two tons.

Duty of
company in
regard to
weighing,
&c.

§ 3. It shall be the duty of the company to keep at each and every toll-gate a good, accurate and sufficient platform scales, upon which every vehicle and load shall be driven, when required by the toll-gate keeper, in order that the amount of toll to be paid for such vehicle and load may be determined, which toll shall be paid before it shall be lawful for said vehicle and load to pass through said gate.

§ 4. This act shall take effect immediately.

Chap. 473.

AN ACT to provide for clearing out the obstructions in the outlets of Otter lake and Parker's pond, in the town of Cato, in the county of Cayuga, and for draining the swamp lands adjacent thereto.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners.

SECTION 1. Justus I. Townsend, of the town of Cato, Robert Johnson, of the town of Ira, and Isaac Bell, of the town of Brutus, in the county of Cayuga, shall be commissioners for clearing out the obstructions in the

outlets of Otter lake and Parker's pond, in the town of Cato, in the county of Cayuga, and for draining the swamp lands adjacent thereto. It shall be the duty of said commissioners to cause a survey and map of said lands and of said outlets to be made, exhibiting the number of acres and quantity of land of each and every of the several tracts of land belonging to the several persons interested therein, and to cause the level of said swamp and said outlets to be ascertained by competent engineers, with reference to a thorough draining.

SECTION 2. It shall be the further duty of said commissioners to cause the obstructions to be removed from the outlet of said lake and said pond, and to deepen the bars and shallow places therein, with reference to a thorough opening of said outlets, and a thorough drainage of said lands, as they shall find to be necessary for those purposes.

Duty of
commissioners.

SECTION 3. Said commissioners shall cause two maps of such survey to be made, one of which shall be filed in the office of the clerk of the town of Cato, and the other to be kept by said commissioners for their own use. They shall estimate the cost of removing such obstructions and of deepening such bars and shallow places, and all expenses incurred thereby and incident thereto, including their fees, and apportion the same among the several owners of said swamp lands, according to the number of acres respectively owned by such several owners, and shall assess and apportion the same upon the several owners of said swamp lands according to the number of acres owned by each. They shall make out their assessment, entering the names of the several owners in such assessment roll, and opposite the same the number of acres of swamp land owned by each, and the amount assessed in dollars and cents, upon the respective owners. They shall cause a copy of such assessment to be filed in the office of the clerk of said town of Cato, and shall also publish the same in some newspaper published weekly in the said county of Cayuga, for at least six successive weeks. There shall be annexed to said assessment, and published therewith, as a part thereof, a notice, stating the day on which payment of such assessment must be made to one of said commissioners, and appointing the time and place in the said town of Cato,

Maps to be
made.

Assess-
ment, &c.

for making payment, which time shall be at least six weeks after the first publication of said notice.

Lands
owned in
undivided
shares.

SECTION 4. If any of said swamp lands shall be owned by several persons in undivided shares, it shall be a sufficient compliance with section three of this act to include in such assessment the name or names of such part owners as shall be residents of said county. If all the owners of any part of said lands shall be non-residents of said county, or unknown to said commissioners, after diligent inquiry made by them, the fact shall be stated in such assessment, and said commissioners shall, in such case, insert in such assessment a short description of each parcel of land thus belonging to non-resident or unknown owners. The assessment so made and published by said commissioners shall be deemed a notice to all persons or parties interested in any of said lands.

Unpaid
assessment,
30 days.

SECTION 5. If any assessment so made shall remain unpaid for thirty days after the day named in said notice for the payment thereof, said commissioners shall cause a notice to be published, in some newspaper published in said county, for the term of six successive weeks, stating the amount of such assessment, and the expenses of such notice and advertising such lands for sale to pay the same; and on the day and at the place so appointed, said commissioners, or some or one of them, shall attend at the time and place stated in such notice, and sell so much of said lands as shall be necessary to pay such assessment and expenses, and the costs of such sale, at public auction, to such bidder as will pay the amount thereof for the least number of acres of said land, or the least quantity thereof; and said commissioners, or a majority of them, shall, immediately upon such sale being consummated by the payment of the amount bid by said purchaser, give to such purchaser a certificate of sale, describing the lands thus sold, duly acknowledged by them, and such sale and certificate shall vest the fee of the lands thus sold and described in the person receiving the same, unless the same shall be redeemed as provided for in section twelve of this act.

Sale of
lands.

Bond.

SECTION 6. Before receiving any moneys under this act, said commissioner shall respectively execute a bond to the supervisor of said town of Cato, in the penal sum of one thousand dollars, with two sufficient sureties, con-

ditioned for the faithful performance of his duties as such commissioner, and the just application of all moneys received by him under this act; such bond shall be filed in the office of the clerk of the town of Cato.

SECTION 7. If any one of said commissioners shall neglect or refuse to serve, upon being requested so to do by any person interested in any of said land, or die, or remove from said county before completing and fully executing the duties of such commissioner, it shall be the duty of the judge of the county of Cayuga, upon receiving information of such fact, by a petition, duly verified by some person interested in said lands, or some part thereof, to appoint some suitable person, resident of said county of Cayuga, under his hands and the seal of said county, to act as such commissioner, who shall, upon receiving such appointment, be subject to all the liabilities and duties, and possess all the powers conferred upon the commissioners appointed by this act; and in case such person shall neglect or refuse to act, or die, or remove from said county, said clerk shall in like manner appoint another in his place.

Neglect to serve.

SECTION 8. Each of said commissioners shall receive one dollar and twenty-five cents per day, for each day actually spent by him in the performance of his duties under this act.

Pay of commissioners.

SECTION 9. If such first estimate or assessment shall prove insufficient to cover and pay all expenses incurred by said commissioners under this act, they shall, upon the completion of their labors, as hereinbefore provided, make out another assessment, and shall, in all respects, pursue the course hereinbefore in this act prescribed for making out and collecting such assessment.

Assessment insufficient to pay expenses, &c.

SECTION 10. Such commissioners may cause to be made such lateral drains, emptying into either of said outlets, as they shall deem proper; but such lateral drains shall in all cases be constructed upon lines dividing lands owned by different persons, unless otherwise consented to by the owner through whose land they shall desire to construct the same; and the expense of constructing such lateral drains shall be assessed upon the lands of the persons bounding on such lines, or through whose lands it shall be constructed, respectively, in equitable proportions, according to the judgment of said

Drains.

commissioners, or a majority of them, and shall be collected in the manner hereinbefore provided for collecting other assessments made by such commissioners.

Power to
enter upon
lands, &c.

SECTION 11. Said commissioners shall have power to enter upon any lands along the said outlets or in the said swamps, and to straighten or alter the course of said outlets, and to deepen the same, as they shall deem necessary to perfect the drainage of said lands. For any damages done to the owner or owners of the land through which said outlets pass, or which shall be taken to straighten or alter the course thereof, said commissioners may make just compensation to the owners of such lands; and if they shall be unable to agree with such owners upon the amount to be paid for such damages, the county court of Cayuga county shall appoint, on the application of said commissioners and upon due notice to such owners, three competent persons to assess such damages, and their appraisal thereof shall be final and conclusive; such amount of damages and all costs and expenses attending the appraisal thereof, after the same shall be adjusted and certified by said county judge, shall be included in the general assessment to be made under this act.

When lands
are sold.

SECTION 12. Whenever any premises shall be sold by authority of section five of this act, the owner, his heirs or assigns, may redeem the same at any time within six months thereafter by paying into the hands of said commissioners, or some one of them, the total amount of such assessment and expenses and costs of such sale, together with ten per cent interest on the whole sum, from the time of such sale to the time of such redemption; and said commissioners shall, within ten days thereafter, pay to the holder of said certificate, the whole sum so paid into their hands by such owner, and such sale shall be void and of no effect.

SECTION 13. This act shall take effect immediately.

Chap. 474.

AN ACT to lay out and construct a road from the State pond at the head of the Black River canal feeder, in the town of Remsen, Oneida county, to Transparent or Jock's lake, in township number six, Moose river tract, in Herkimer county.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the lands in townships numbers five, six, seven and eight, and the northwesterly halves of townships nine and ten of the Moose river tract; the Nobleboro' tract; except the easterly half, all of East Adgate lying in Herkimer county; the three most easterly tiers of lots in Woodhull tract; also lots twenty-four, twenty-five, twenty-six, twenty-seven, thirty-two, thirty-three, thirty-four, forty-one and forty-two in Woodhull tract; townships numbers three, four, in Totten and Crossfield's purchase, are hereby constituted a road district for the term of seven years, for the purpose of laying out, constructing and maintaining a road from the State pond, at the head of the Black River canal feeder, in the town of Remsen, Oneida county, through said district, on the most direct and judicious route, to Transparent or Jock's lake, in township number six, in Moose river tract, in Herkimer county, which road shall be called the "Black River State road."

§ 2. All the powers conferred upon commissioners of highways of this state in reference to non-resident lands, by the act of April twenty-fourth, eighteen hundred and thirty-five, entitled "An act in relation to the assessment of highway labor;" also all the powers conferred upon the overseers of highways by section forty-seven, title one, chapter sixteen, article third, part first of the Revised Statutes, over said non-resident lands, are hereby transferred to William H. Thomas and Samuel Robertson, of Forestport, in the town of Remsen, Oneida county, and G. W. Dawson, of Wilmurt, Herkimer county, who are hereby appointed commissioners to lay out, construct and maintain said road, in such manner as in their best

judgment will be productive of the greatest good to the public generally, and to the owners of the lands in the district hereby created.

Commissioners to lay out road, &c.

§ 3. For the purpose of laying out, constructing and maintaining said road, the said commissioners are hereby authorized to lay, yearly, a tax of fifty cents for each one hundred dollars valuation, as assessed by the assessors of the respective towns in which the lands are located, in the counties of Oneida and Herkimer, and ten cents on each one hundred acres in Hamilton county, on all of the non-resident lands lying in the district hereinbefore described. Said tax shall be levied in the manner prescribed by section twelve of article two, chapter thirteen of part one of the Revised Statutes, and an assessment roll for that purpose shall be made and signed by the commissioners.

Tax when completed.

§ 4. As soon as said tax shall be completed the commissioners shall send a copy of the same to the comptroller, who shall cause said tax to be entered upon the books of his office, in the same manner as are the non-resident taxes, returned to his office by the treasurers of the several counties of this state. Should any portion of the lands in the said return not be sufficiently described to enable the comptroller to describe and sell the lands so returned, in the event of the taxes not being paid upon it, he shall return the same to the commissioners, who shall correct the description of said land and make a new return of the same to the comptroller, and the comptroller is hereby authorized to receive said taxes, and in case the same, or any part of said taxes, remain unpaid on the first day of July, then next ensuing, he shall proceed to sell the lands taxed in the manner that non-resident lands are sold, and shall collect said taxes, with the interest and expenses of collection and sale, so as fully to indemnify the state.

Comptroller to pay taxes.

§ 5. As early as the first day of July in each year, after said return shall have been made as above provided, the comptroller shall pay, upon the draft of said commissioners, the amount of the taxes so raised.

Highway labor.

§ 6. Said commissioners shall allow any owners of lands assessed for highway labor in the district hereby formed, to work out the same under their directions, on the road above mentioned, during the time ordinarily

allowed for working out highway taxes, at the rate of sixty-three cents per day; and said commissioners shall annually expend on said road all the moneys coming into their hands for that purpose, and should they expend in any year more than they receive, the excess shall draw interest until subsequent receipts, and shall be payable yearly out of the moneys accruing during said seven years.

§ 7. Any person owning non-resident lands within five miles of the road hereby provided for, may, at any time during the continuance of this act, work out, or cause to be worked out, all or any part of the highway taxes assessed upon said lands under the direction of said commissioners, by giving notice thereof, in writing, to the said commissioners. Said commissioners shall thereupon notify the commissioners of highways, or the overseers of highways having such assessment upon their warrants; and thereupon the commissioners appointed by this act shall become vested with all the powers as to such lands, assessments and tax, as are conferred by law upon overseers of highways, and commissioners of highways.

Non-resident lands.

§ 8. Said commissioners shall cause a map of said road to be made and deposited with the comptroller; and they shall, on or before the fifteenth day of December, in each year, render an account to the comptroller, under oath, stating the amount of moneys received by them, the amounts paid out, and the amounts charged by each of them for services, together with the state of the road, and everything necessary to a good understanding of the progress of constructing and maintaining said road.

Map.

§ 9. The commissioners, before entering upon their duties, shall take the constitutional oath of office, and give such security as the comptroller shall require for the faithful discharge of their duties under this act.

Oath of office.

§ 10. The commissioners shall be allowed one dollar and fifty cents for each and every day they shall be actually employed in the discharge of the trust hereby devolved on them, not exceeding forty days each the first year, and not exceeding sixty days in the aggregate after the first year, and all incidental expenses necessary for surveys in laying out said road.

Compensation.

§ 11. The comptroller shall have power to remove any or all of the commissioners named in this act, and to fill

Power of comptroller.

judgment will be productive of the greatest good to the public generally, and to the owners of the lands in the district hereby created.

Commissioners to lay out road, &c.

§ 3. For the purpose of laying out, constructing and maintaining said road, the said commissioners are hereby authorized to lay, yearly, a tax of fifty cents for each one hundred dollars valuation, as assessed by the assessors of the respective towns in which the lands are located, in the counties of Oneida and Herkimer, and ten cents on each one hundred acres in Hamilton county, on all of the non-resident lands lying in the district hereinbefore described. Said tax shall be levied in the manner prescribed by section twelve of article two, chapter thirteen of part one of the Revised Statutes, and an assessment roll for that purpose shall be made and signed by the commissioners.

Tax when completed.

§ 4. As soon as said tax shall be completed the commissioners shall send a copy of the same to the comptroller, who shall cause said tax to be entered upon the books of his office, in the same manner as are the non-resident taxes, returned to his office by the treasurers of the several counties of this state. Should any portion of the lands in the said return not be sufficiently described to enable the comptroller to describe and sell the lands so returned, in the event of the taxes not being paid upon it, he shall return the same to the commissioners, who shall correct the description of said land and make a new return of the same to the comptroller, and the comptroller is hereby authorized to receive said taxes, and in case the same, or any part of said taxes, remain unpaid on the first day of July, then next ensuing, he shall proceed to sell the lands taxed in the manner that non-resident lands are sold, and shall collect said taxes, with the interest and expenses of collection and sale, so as fully to indemnify the state.

Comptroller to pay taxes.

§ 5. As early as the first day of July in each year, after said return shall have been made as above provided, the comptroller shall pay, upon the draft of said commissioners, the amount of the taxes so raised.

Highway labor.

§ 6. Said commissioners shall allow any owners of lands assessed for highway labor in the district hereby formed, to work out the same under their directions, on the road above mentioned, during the time ordinarily

allowed for working out highway taxes, at the rate of sixty-three cents per day; and said commissioners shall annually expend on said road all the moneys coming into their hands for that purpose, and should they expend in any year more than they receive, the excess shall draw interest until subsequent receipts, and shall be payable yearly out of the moneys accruing during said seven years.

§ 7. Any person owning non-resident lands within five miles of the road hereby provided for, may, at any time during the continuance of this act, work out, or cause to be worked out, all or any part of the highway taxes assessed upon said lands under the direction of said commissioners, by giving notice thereof, in writing, to the said commissioners. Said commissioners shall thereupon notify the commissioners of highways, or the overseers of highways having such assessment upon their warrants; and thereupon the commissioners appointed by this act shall become vested with all the powers as to such lands, assessments and tax, as are conferred by law upon overseers of highways, and commissioners of highways.

Non-resi-
dent lands.

§ 8. Said commissioners shall cause a map of said road to be made and deposited with the comptroller; and they shall, on or before the fifteenth day of December, in each year, render an account to the comptroller, under oath, stating the amount of moneys received by them, the amounts paid out, and the amounts charged by each of them for services, together with the state of the road, and everything necessary to a good understanding of the progress of constructing and maintaining said road.

Map.

§ 9. The commissioners, before entering upon their duties, shall take the constitutional oath of office, and give such security as the comptroller shall require for the faithful discharge of their duties under this act.

Oath of
office.

§ 10. The commissioners shall be allowed one dollar and fifty cents for each and every day they shall be actually employed in the discharge of the trust hereby devolved on them, not exceeding forty days each the first year, and not exceeding sixty days in the aggregate after the first year, and all incidental expenses necessary for surveys in laying out said road.

Compensa-
tion.

§ 11. The comptroller shall have power to remove any or all of the commissioners named in this act, and to fill

Power of
comptroller.

any and all vacancies in the same caused by death, resignation or removal.

§ 12. This act shall take effect immediately.

Chap. 475.

AN ACT to regulate charges incurred on account of the public health in the county of Albany.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Expenses,
how collect-
ed.

SECTION 1. The expenses incurred by the several boards of health in the county of Albany, in the execution of the act entitled "An act for the preservation of the public health," passed April tenth, eighteen hundred and fifty, and the compensation of the members of the said boards shall be charged, levied and collected upon the town, city or village where such expenses have been made, and the services of the members of the said boards of health have been performed.

§ 2. This act shall take effect immediately.

Chap. 476.

AN ACT to supply vacancies in the offices of justices of the peace in the several towns of this state.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Vacancies
in office of
justice of
the peace,
how filled.

SECTION 1. Whenever there shall be a vacancy in the office of a justice of the peace in any town in this state, occurring after and in the same year of the regular annual town meeting in such town, the supervisor, town clerk and remaining justices of the peace, or a majority of such officers, are hereby authorized, by warrant under their hands and seals, to appoint a suitable person to fill such vacancy, and the person so appointed shall hold said office until the first day of January next succeeding such

appointment. If the vacancy shall occur before the annual town meeting, it may be supplied by appointment in the same manner, and the person so appointed shall hold said office until the annual town meeting, and any person so appointed may qualify immediately in the same manner as if elected, and enter upon the discharge of the duties of said office.

§ 2. Every such appointment shall be filed in the office of the town clerk, and a copy thereof in the office of the county clerk before the person so appointed shall be authorized to act. Appointment to be filed.

§ 3. This act shall take effect immediately.

Chap. 477.

AN ACT to amend an act entitled "An act to amend an act for the construction of a penitentiary in the county of Albany," passed May third, eighteen hundred and forty-seven.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of the act entitled "An act to amend an act for the construction of a penitentiary in the county of Albany," passed May third, eighteen hundred and forty-seven, is hereby amended so that said section shall read as follows, to wit: Act amended.

§ 3. In all cases arising in the county of Albany, where any person shall be convicted before any court or magistrate of said county, or of the city of Albany, of the offense of public intoxication, or where any person shall be convicted upon complaint for vagrancy, such person may be committed or sentenced by such court or magistrate, to confinement in said penitentiary, subject to its rules and discipline, for such term, not exceeding six months, as such court or magistrate may deem proper. Sentence of persons convicted of public intoxication

§ 2. This act shall take effect immediately.

Chap. 478.

AN ACT to amend an act entitled "An act to incorporate the fire department of eastern district of the city of Brooklyn," passed January fifteenth, eighteen hundred and fifty-seven.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners to have sole charge of fire department.

SECTION 1. The present commissioners of the fire department of the eastern district of the city of Brooklyn, and their successors in office, shall have the sole charge, control, arrangement and government of the organization now known as the fire department of the eastern district of the city of Brooklyn, and shall have power to make and establish rules and regulations for the government of the officers, members and companies thereof, and to punish any violation of such rules and regulations, by reprimand, suspension, expulsion or disbandment of the members or companies thereof.

May re-organize department

§ 2. Said commissioners shall also have power to reorganize the said fire department, to increase or decrease the number of companies or the members of such companies, and from time to time to make such changes therein as they may deem necessary and proper, and generally to exercise full and complete control and jurisdiction over the said department. The said commissioners shall nominate a clerk, who, upon being confirmed by the common council of said city, shall hold his office during the pleasure of such commissioners, and he shall receive an annual salary for his services, to be fixed by said commissioners, not exceeding five hundred dollars, and to be paid by said city monthly, and said clerk shall also act as such for the board of appeals.

Board of appeals.

§ 3. There shall be appointed by the board of representatives, a board of appeals, consisting of five exempt firemen, who shall have ceased to be active members of the department, at least three years previous to their election. Neither shall they be attached to any company during their term of office, under the penalty of forfeiting their right to office.

§ 4. The first election for the board of appeals, under this act, shall be held on the second Thursday in May, eighteen hundred and fifty-nine; and within ten days after the said election, the persons so elected shall, in the presence of the president of the Brooklyn eastern district fire department, draw for the respective terms of office, to wit, one for the term of five years, one for the term of four years, one for the term of three years, one for the term of two years, one for the term of one year; and annually thereafter, there shall be elected one member of the board of appeals, to hold his office for the term of five years; but each and every member of the board of appeals, shall hold his office until his successor has been elected and duly qualified, and in case of a vacancy occurring in the office of either or all of the said members of the said board of appeals, either by death, removal or resignation, the vacancy shall be filled at the next meeting of the board of representatives.

First
election

§ 5. Should any of the members or companies of the Brooklyn, eastern district, fire department, against whom sentence shall have been pronounced by the fire commissioners, think themselves aggrieved by such action, they may, within ten days after the decision of the said board of fire commissioners, bring their case before the board of appeals, which board shall meet within twenty days after notice of such appeal, and review the case. Should any disagreement arise between the board of appeals and the fire commissioners, in regard to any decision of the latter, the same shall be referred back to the fire commissioners for reconsideration, within thirty days after the same shall have been first presented to the board of appeals; and should the fire commissioners refuse to recede therefrom, or reconsider the same, then their action shall be final, unless the board of appeals shall overrule such decision within ten days after it has been returned to them by the fire commissioners.

Members
of fire
department
may appeal.

§ 6. The members of each organized company, recognized by the said board of commissioners within the said district, shall annually, before the fifteenth day of December, select two delegates from such company, and within ten days thereafter, report the same to the president of the board of representatives of such department, who shall thereupon call a meeting of such delegates, to

Each
organized
company to
select two
delegates.

be held on the ensuing Thursday next succeeding said first day of January; at such first annual meeting, such delegates shall nominate nine persons, and annually thereafter three persons, as trustees of said department, who shall be either members of the fire department or exempt firemen, and report the same to the board of representatives, who shall, at their next meeting thereafter, severally approve or reject the same, by ballot.

Vacancy in
board of
trustees,
how filled.

§ 7. In case of a vacancy in said board of trustees, the said president shall notify said companies to appoint two delegates each to meet in convention within thirty days after such vacancy, to fill the same. Within five days after the first appointment of such trustees, they shall, in the presence of the president of the board of representatives, draw for the term of their respective offices, say three for the term of three years, three for the term of two years, and three for the term of one year; and annually thereafter there shall be elected three trustees, to hold their office for the term of three years; but each trustee shall hold his office until his successor shall have been confirmed.

Powers
of trustees.

§ 8. The said trustees shall have the same powers as those now possessed by the present board of trustees of said department. The first election of trustees under this act, shall be on the first Thursday of January, eighteen hundred and sixty.

§ 9. All other acts or parts of acts inconsistent with this act are hereby repealed.

Chap. 479.

AN ACT to authorize the commissioners of highways of the town of Barker to borrow money for the purpose of building a free bridge across the Koughnioga branch of the Chenango river, at or near the David Brown school house (so called) in said town.

Passed April 18, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of highways of the town of Barker, in the county of Broome, whenever authorized to do so by a majority of the qualified electors of the town at an annual or special town meeting, are hereby authorized, empowered and directed to borrow, upon the credit of the said town, a sum of money not to exceed two thousand dollars, to be expended by them in building a free bridge across the Koughnioga branch of the Chenango river, at or near the school house called the David Brown school house.

Commissioners may borrow money.

§ 2. The money borrowed by said commissioners, under the first section of this act, shall be upon a credit of not more than three years, and may be paid, together with the interest thereon, in annual installments or otherwise, as the commissioners may determine.

Money so borrowed to be upon a credit of not more than three years.

§ 3. The money so borrowed shall be a charge against the town of Barker, and shall be levied and collected from the taxable property of said town, as other town taxes are levied and collected, and the money thus collected shall be paid over to the said commissioners of highways, to be applied by them in payment of the loan made by them, by virtue of this act.

To be a charge against town of Barker.

§ 4. This act shall take effect immediately.

Chap. 480.

AN ACT in relation to the burial ground in the village of Gouverneur.

Passed April 18, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Special
town meet-
ing to be
called.

SECTION 1. It shall be the duty of the town clerk of the town of Gouverneur, within thirty days after the passage of this act, to call a special town meeting of the lawful voters of said town, at the place where the town meetings are usually held, and to give not less than ten days' notice thereof, at which special town meeting the justice of the peace of said town shall preside ; and such meeting shall be conducted in all respects as town meetings are usually conducted, and the voting at such meeting shall be by ballot.

Commis-
sioners to
be elected.

SECTION 2. It shall be lawful for the legal voters of said town, at such special town meeting, to vote for three persons, residents of said town and voters therein, who shall be called "The commissioners for the removal of the burial ground in the village of Gouverneur," and the persons having the highest number of votes shall be declared to be elected such commissioners. Before entering upon the discharge of their duties, and within ten days after such election, such commissioners shall signify their assent in writing of their acceptance of said office, and take the usual oath of office, and file in the town clerk's office a bond, to be approved by the supervisor of said town, conditioned for the faithful performance of their duties and for the payment of all moneys coming into their hands ; and if any such person so elected shall neglect or refuse to qualify, or if any vacancy shall occur from any cause whatever, such vacancy shall be filled by appointment, to be made by the supervisor and justices of the peace in said town, or a majority of them ; and such commissioners shall continue to hold their office until the objects contemplated by this act shall be accomplished, but subject to removal by the county court of St. Lawrence county, as specified in this act.

To signify
acceptance
of office.

SECTION 3. It shall be the duty of such commissioners, as soon as practicable after their election, to purchase of the Gouverneur Cemetery Association, three acres of ground, at a price not exceeding the sum of six hundred dollars, to be paid for when assessed and collected under the provisions of this act, and to receive a conveyance therefor, in the name of the town, in the usual form prescribed by the act in relation to rural cemetery associations, and subject to the rules and regulations of said association.

To purchase ground.

SECTION 4. It shall be the duty of such commissioners to cause a printed notice of the intended proceedings under this act to be publicly posted at the place where the town meetings are usually held, and to be mailed to the nearest relatives and friends of the persons buried in the old burial ground, so far as the same can be conveniently ascertained, at least six months before proceeding to remove any bodies in said ground, unless such removal shall be with the assent of such relative; which notice shall state that unless the relatives and friends of persons buried in said ground shall cause their remains to be removed within six months from the date thereof, that such removal will be made by such commissioners under the provisions of this act.

Printed notice to be posted.

SECTION 5. After the expiration of six months from the time of posting said notice as aforesaid, it shall be the duty of the said commissioners, and they are hereby directed to cause all the bodies and remains to be carefully removed and reinterred in the grounds to be purchased as specified in section three of this act. Such removal shall be made in the cool season of the year, and the remains of each person, in cases where the coffin shall be decayed, shall be placed in a suitable box to be provided by the commissioners, and the place of interment shall be designated by the monuments now placed over the graves, or in case of their being lost or destroyed, the place shall be designated by a plain board with the name of the person thereon, when it can be ascertained; and in case any of the relatives or friends of the persons shall desire to superintend the removal, they shall be allowed to do so, and to have the remains of their relatives deposited in their family lot, in the grounds of the said Gouverneur Cemetery Association; but such com-

Bodies and remains to be carefully removed.

missioners shall not be at the expense of removing to any other grounds.

After removal of bodies, commissioners may sell old burial ground.

SECTION 6. After the removal of the bodies, as specified in section five of this act, it shall be the duty of the said commissioners to sell the said burial ground in parcels, at public sale, in such a manner as to produce the highest sum. Notice of such sale shall be publicly posted at least six weeks before such sales. One-third of the purchase money shall be paid down, and the balance secured by bond and mortgage on the premises, payable in one and two yearly payments, with interest annually. Upon such sale, the purchaser shall execute a contract, pay one-third of the purchase money down as aforesaid; said commissioners shall then apply to the county judge of St. Lawrence county, either in term or at chambers, upon ten days' notice to the supervisor of the said town of Gouverneur for an order confirming said sale; and if such sale shall appear to have been fairly made and conducted, he shall confirm the same by an order to be entered in the clerk's office of St. Lawrence county. Upon the confirmation of said sale, such commissioners shall, with the supervisor of said town, convey to the purchaser or purchasers of said ground, the land purchased by them respectively, and receive a bond and mortgage for the balance of the purchase money, in the name of the town of Gouverneur. Such conveyance shall operate to convey all the right, title and interest of the town of Gouverneur and the inhabitants thereof, in and to the said old burial ground, and no more interments shall ever be made upon said grounds or any part thereof.

Release or quit-claim to be secured.

SECTION 7. Before any proceedings shall be had under this act, after the posting of the notice, the said commissioners shall procure from the heir and devisee of Gouverneur Morris, the elder, or any other person who may have any reversionary interest in said old burial ground, a release or quit-claim of such interest.

Grounds conveyed to town, for what purposes to be used.

SECTION 8. The ground which shall be conveyed to the said town under the provisions of this act, shall be used for the purpose of the burial of strangers and persons unable to purchase lots in the said cemetery grounds, and for the interment of bodies now in the old burial ground, and for the burial of any inhabitants of said

town; and in the purchase of the ground a suitable number of eligible lots shall be purchased to accommodate the families of persons who have removed from the town, and of families in the town, unable to purchase lots; and so far as practicable, such interments shall be so made that families shall be buried together on such lots. It shall be lawful for the said Gouverneur Cemetery Association to make the conveyance to the town, contemplated by this act, and the inhabitants of said town shall have ingress thereto, but the general charge of the said ground shall remain with the said association, in the same manner as other lots and ground sold to members. It shall be the duty of the proper officers of said association to keep a record of all interments, whether of removals or otherwise, so far as the same can be done, in the same manner as with the purchasers of other lots.

SECTION 9. The proceeds of the sale of the old burial ground shall be applied, first to defray the expenses of the removal thereof, under the provisions of this act, and the balance, after reimbursing the town for the expenses of such removal, shall be applied to the purchase of the grounds, under section three of this act; and if there shall still be a balance after paying such expenses, and such purchase money, such balance shall be expended in making improvements upon the grounds so purchased, under the direction of said cemetery association.

Proceeds of
sale, how
applied.

SECTION 10. The balance, if any, of the purchase money for said three acres of ground, shall be assessed, by the board of supervisors of St. Lawrence county, upon the town of Gouverneur, one-half in the year eighteen hundred and sixty, and one-half in the year eighteen hundred and sixty-one, and when so collected shall be paid over to said Gouverneur Cemetery Association, to be by them appropriated to the payment of the debt due for the lands belonging to said association.

Balance of
purchase
money to be
assessed
upon town
of Gouver-
neur.

SECTION 11. The expenses of the removal of said burial ground shall be audited by the board of town auditors of Gouverneur, and said commissioners shall receive for their services at the rate of one dollar and fifty cents per day for each day actually spent in the discharge of their duties, and all necessary disbursements.

Expenses of
removal to
be audited
by board of
town au-
ditor.

SECTION 12. The county court of St. Lawrence county Commis-

commissioners may
be removed.

shall have power to remove any of the commissioners elected or appointed under the provisions of this act, upon good cause being shown and upon proper notice to such commissioners, upon the application of the supervisors of said town.

SECTION 13. This act shall take effect immediately.

Chap. 481.

AN ACT to incorporate the Foster's Meadow Canal and Dock Company.

Passed April 18, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Body
incorporate.

SECTION 1. That William B. Hendrickson, John Seufert, Joseph Rigkel, Joseph Hoofman, John Hersch, George Carman, and all such other persons as may associate themselves with them, and their successors, are hereby created a body politic and corporate, by the name of the Foster's Meadow Canal and Dock Company.

Capital
stock.

§ 2. The capital stock of said corporation, shall be five thousand dollars, to be divided into shares of ten dollars each, and subscription books for said stock shall be opened under the direction of William B. Hendrickson, John Seufert and Joseph Rigkel, as commissioners for that purpose, at such place or places, and on such day or days, in the town of Jamaica, Queens county, as they shall appoint, giving fourteen days' notice of each time and place, in at least one newspaper published in each of the towns of Jamaica and Hempstead, in said county; and said subscription books shall be opened within nineteen days after the passage of this act, and in case the capital stock of said corporation shall not be subscribed, then the said commissioners shall be authorized to reopen the said books at such other times and places, and in such manner, and after such notice as a majority of them shall direct. The said commissioners shall, at the time of any subscription, require the payment by the person or persons subscribing, of five dollars on each share of stock so subscribed, and unless the same shall be paid the subscription shall be invalid.

§ 3. The said corporation are authorized and empowered to employ their capital stock in surveying, constructing and navigating a line of canal and water communication. Surveys, &c

1. To commence at the Hook creek (so called), where it empties itself in Jamaica bay, and thence running a northeasterly course until it reaches the farm of Stephen Carman, in the town of Jamaica, to terminate at that point, a distance of one mile and a half.

§ 4. The said corporation may commence their operations whenever two thousand five hundred dollars shall be subscribed and paid in, and they are authorized to employ such portion of their capital as may be necessary in purchasing, building or hiring dredging machines, steam and freight boats, for constructing and navigating said canals, and whenever the whole or any part of said canals shall be completed, they are empowered to demand, collect and receive from every person or persons wishing to navigate the same, such rates of toll as they shall from time to time ordain and establish, the same to be subject to alteration and revision by the canal board; but nothing in this section shall be so construed as to prevent the navigation of said canals by boats and vessels other than those owned or employed by said corporation, on the payment of tolls for the use of said canal, nor the navigation of said bay or creek free of toll. When to commence operations.

§ 5. The said line of canal capital stock, property, effects and government of the same, shall be under the management and direction of nine directors, who shall be elected by the stockholders, within thirty days after one half of the capital stock of the company shall be subscribed and paid in, due notice of the time and place of such election being given, and they shall hold their offices until the first day of November, A. D. eighteen hundred and fifty-nine, and shall be elected thereafter annually; the first election shall be held under the superintendence and inspection of William B. Hendrickson, John Seufert and George Carman, and every subsequent election shall be held under the inspection of inspectors, appointed by the stockholders for that purpose. All elections shall be by ballot, and a plurality of votes shall constitute a choice. Directors.

When no
election is
held.

§ 6. In case it should at any time happen that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be dissolved, but such election may be held at any other time which may be designated by the by-laws of the said corporation, within thirty days after the day on which it should have been held.

Power to
make rules,
&c.

§ 7. The board of directors shall have power to make all necessary rules, regulations and by-laws for regulating the time and manner of paying in the stock subscribed; for declaring the forfeiture of previous installments by the non-payment of subsequent ones, after giving thirty days' notice of demand of payment; for regulating the time and manner of declaring dividends of their profits, and generally to do all other acts they may deem expedient for the purposes of carrying into effect the objects of the corporation, and not contrary to the provisions of this act or any law of this state.

§ 8. No transfer of the stock of the corporation shall be valid or effectual unless the same shall be registered in a book to be kept by the directors for that purpose.

May hold
real estate.

§ 9. The said corporation may purchase and hold all such real estate, land and waters, subject to the free navigation of said bay, as may be necessary for constructing, maintaining and repairing the canal, and may, by their engineers and agents, enter upon any land or water for the purpose of making surveys, a just compensation therefor being first made to the owners thereof; and may enter upon and take possession of and use all such real estate, lands and waters as may be necessary for the construction and maintenance of their canal, and the accommodations required appertaining thereto, after paying to the owners just compensation therefor, such compensation to be ascertained as hereinafter provided; and may also receive, hold and take all such voluntary grants and donations of real estate, lands and water as may be made to said corporation to aid in the construction, maintenance and accommodation of said canal; and whenever the said corporation shall become possessed of and own any real estate, lands or waters that may be unnecessary for them to retain for the purposes aforesaid, it shall be lawful for them to occupy, alien and

convey the same by deeds, on such terms as they shall deem expedient.

§ 10. Whenever any real estate, lands and waters, necessary for the purposes of said canals, cannot be obtained by voluntary donation or purchase, and in case of disagreement between the said corporation and the owner or owners of any of said real estate, lands and waters, as to the price to be paid therefor, the said corporation, owner or party aggrieved or interested may present to the county judge of Queens county a petition setting forth the necessity or design of taking such real estate, land and water for the purpose of said canal, and the failure to obtain the same by agreement, and the name and residence of each owner, if known, and if not known, the fact of such name being unknown, and the means that have been taken to ascertain the same. together with descriptions of the land intended to be taken, praying that commissioners may be appointed to estimate and assess such damage, and the value of said land so taken. The said judge shall thereupon direct reasonable notice, written or printed, of not less than ten days to be given to the owner or owners of any such land, real estate or waters of the time of appointing said commissioners, which shall be at the clerk's office in the county where such real estate, lands or waters are situated; such written or printed notice to be served upon such owner or owners, if known, or a copy thereof left at the residence of such owner with a person of a suitable age and discretion, or by mail, to each one at his residence, if a non-resident of the town.

Commissioners may be appointed to appraise damages, &c.

§ 11. Upon the day and hour mentioned in said notice, the county judge shall appoint three good and reputable inhabitants, freeholders, and in no way interested in the proceedings, commissioners to appraise the value of the land sought to be taken for such canal.

Three commissioners to be appointed.

§ 12. The commissioners so appointed as aforesaid shall take the constitutional oath that they will faithfully discharge the duty without favor or partiality; and shall give ten days' notice in one of the newspapers printed in said county, nearest to the premises in question, naming a day and hour when and where they will sit to hear the proofs and allegations of the owners of the lands sought to be taken for such canal, and counsel on the behalf of

Oath of commissioners.

any such owner; and the said commissioners may adjourn, from day to day, until they shall have heard all the parties owning such lands.

Report of
commissioners.

§ 13. The commissioners, or a majority of them, shall then make a report in writing, stating the proofs taken by them, the quantity of land taken from such individual, the sum awarded by them, together with their reasons therefor, and file the same in the office of the clerk of the county.

Finding to
be conclusive.

§ 14. The finding of said commissioners shall be final and conclusive, unless the party or persons who conceives himself or herself aggrieved shall, within thirty days from the filing of said report, give notice to the said commissioners of their intention to appeal from said decision, so far as said decision affects such individual, to the county judge of said county.

Report to
be examined.

§ 15. At the next term of the county court thereafter, the county judge shall examine the report so filed as aforesaid, and he may, in his discretion, increase or reduce the award made by the said commissioners; and the decision of the said county judge shall be entered in the minutes of the court by the clerk, and be a final conclusion of such claim.

Canal
where
crossing
public or
private
roads.

§ 16. In all cases where the said canal shall cross, or in any way interfere with any public or private road, the said road shall be made and constructed so as to be as available to the public or private individual as it was before the making of said canal, and the same shall be done at the expense of the company constructing said canal.

Bridges.

§ 17. The said company shall build and keep in good repair suitable and convenient bridges over and across such canal, in all places where the same shall pass or cross any public highway or road.

Toll-houses.

§ 18. Such company or corporation may build and maintain toll-houses at such places as the county judge, by an order to be entered in the minutes of said county, shall prescribe.

Who cannot
construct
bridges.

§ 19. No person shall construct any bridge over said canal, nor take any water therefrom, nor do anything to impede the said company or corporation from the full enjoyment and profits thereof, without the consent in writing of the president and secretary of the same, under

a penalty of not less than fifty dollars, nor more than three hundred dollars, in the discretion of the court who may have cognizance thereof.

§ 20. The stockholders of the said corporation shall be jointly and severally liable in their individual capacities, for the payment of all debts contracted by the company to the amount of the stock held by such stockholders, until the whole amount of the capital stock shall have been paid in, and a certificate thereof, signed and sworn to by the president and a majority of the directors, shall have been made and recorded in the office of the clerk of the county of Queens. The stockholders shall be jointly and severally liable for all debts that may be due and owing to all their laborers, servants and apprentices for services performed for such corporation. Liability,
&c.

§ 21. This act shall take effect immediately.

Chap. 482.

AN ACT to amend an act entitled "An act to incorporate the Port Byron and Conquest Turnpike Road and Bridge Company," passed May, eighteen hundred and thirty-six, and "An act amending the same," passed April, eighteen hundred and fifty-one.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Port Byron and Conquest Turnpike Road and Bridge Company are hereby authorized to remove their toll-gate to such point upon their road as a majority of the directors may designate, and to collect at such gate the rates of tolls, for the passing over said road and bridge, as specified by the law incorporating the said company. May change
location of
toll-gate.

§ 2. The charter of the said company is hereby extended for thirty years.

Chap. 483.

AN ACT to authorize the laying of a railroad track in and through certain streets in the city of Syracuse.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Railway track may be laid in city of Syracuse.

SECTION 1. It shall be lawful for Thomas G. Alvord, B. Austin Avery, John A. Green, Jr., Alonzo Crippen, William A. Robinson, and James S. Leach, and those who may be now or hereafter associated with them, to lay a railroad track, with the necessary turnouts, in the city of Syracuse, commencing on Salina street, at its intersection with Church street, and running from thence north through Salina street to Lock street, thence northerly through Lock street to Lodi street, thence westerly through Lodi street to Wolf street, thence northerly through Wolf street to Salina street, or through such other streets as the common council by resolution may consent.

Not to obstruct free passage of other vehicles.

§ 2. The track of said road shall be laid of such rails as shall least obstruct the free passage of vehicles and carriages over the same, and the same shall be laid flush with the surface of the street, and shall conform to the grade of the streets as it now is, or as it shall be from time to time established or altered; and the said grantees shall keep the surface of the street inside the rails, and for two feet outside thereof, in good and proper order and repair.

Cars to be drawn by horses only.

§ 3. The cars to be used on said railroad shall be drawn by horses only, and shall be run as often as the public convenience may require.

When to be completed.

§ 4. The said railroad shall be completed within two years from the passage of this act, and the powers and privileges granted under this act are hereby limited to the period of twenty-one years.

Rate of fare

§ 5. No greater amount than five cents each shall be charged passengers for riding any distance over this road.

Grantees may organ-

§ 6. It shall be lawful for said grantees and their associates to organize under an act of the legislature entitled

"An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and in the event of such organization, all the provisions of said last mentioned act, except the number of persons designated in the first section thereof, and except the number of directors, which may be five instead of thirteen, shall apply to said grantees and their associates; also, except the provisions of sections twenty-seven, thirty-one, thirty-two, thirty-eight, thirty-nine, forty, forty-one and forty-four of said act.

ize under
general
railroad
act.

§ 7. This act shall take effect immediately.

Chap. 484.

AN ACT to provide for the closing of the entrances of the tunnel of the Long Island Railroad Company in Atlantic street, in the city of Brooklyn, and restoring said street to its proper grade, and for the relinquishment by said company of its right to use steam power within said city.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Brooklyn shall, upon petition or application of a majority of the owners of land, at the time of the passage of this act, in the district proposed to be assessed by this act, make application to the supreme court, at a special term in the county of Kings, for the appointment of three commissioners, as provided under the act passed April seventeenth, of the Laws of eighteen hundred and fifty-four, entitled "An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick, into one municipal government, and to incorporate the same," and in title four of the said act.

Common
council may
make appli-
cation to
supreme
court.

§ 2. Each of the said commissioners shall, within a reasonable time after their appointment, before entering upon the discharge of their duties, qualify before the clerk of the county of Kings, and file in said office a bond in the penalty of fifty thousand dollars, with sufficient surc-

Commis-
sioners to
qualify
before
entering
upon their
duties.

ties, executed to the people of the state of New York, conditioned to the faithful performance of their duties as commissioners under this act. But said bond and sureties shall first have been approved by one of the justices of the supreme court of the second judicial district of this state; and in case of any default, neglect of duty or breach of trust, the district attorney of the county of Kings shall, upon proper information, proceed without delay to sue for and recover upon the bond aforesaid, for any damage or injury which may be done by reason of such default, neglect, or breach of trust. Any neglect or refusal on the part of the commissioners, or either of them, to comply with the requirements of this section, shall vacate their appointment, and in case of any vacancy occurring by death, resignation, or otherwise, it shall be filled in the same manner as hereinbefore mentioned. The concurrence of a majority of the said commissioners shall be sufficient to legalize all acts and things done by them required by this act.

Commissioners may enter into contract.

§ 3. The said commissioners so appointed are hereby authorized and empowered to enter into a contract, in writing, with the Long Island Railroad Company, or its assigns, that they shall close the entrances of the tunnel in Atlantic street, in the city of Brooklyn, and restore and pave and regulate the same to its proper grade, and also for the relinquishment by said company and its assigns, of the right to use steam power within said city, and also that the said company or its assigns shall lay rails upon the surface of said street in a proper manner, and shall so keep and continue the same, and also that the said company, or its assigns, shall run horse cars for freight and passengers from the South ferry to the city line, in such numbers and as often as may be required for the accommodation of the public; said cars to connect at the city line, or East New York, with steam power to the village of Jamaica, and the trains to be run from Jamaica and East New York each way as often as once every half hour, between six o'clock, A. M. and eight o'clock, P. M., and one night train after ten o'clock, P. M., each way, at such hours as shall accommodate the citizens of Jamaica; way trains to be run as often and make the same stoppages they now do, and so many of such trains as may be necessary shall be run

through from the South ferry, Brooklyn and from Jamaica at such times and in such manner as to make connections with the trains of the Long Island Railroad Company at Jamaica, and that such passengers and freight shall be carried at a rate not exceeding that charged by the Long Island Railroad as the average rate over the road of said company, and also to provide suitable and sufficient accommodations for receiving and delivering the freight drawn upon the said road, at Jamaica, East New York, and also at some convenient point between Fifth avenue and the South ferry, Brooklyn, and to carry all proper merchantable freight upon said road; and also that they will not carry over said road from the South ferry to Jamaica any freight which may be declared a nuisance by the common council of the city of Brooklyn. And that the said Long Island Railroad Company, or its assigns, shall receive as compensation for the compliance with such contract, and the surrender of the right of the said company and the Brooklyn and Jamaica Railroad Company to use steam within the city limits, the sum of not exceeding one hundred and twenty-five thousand dollars, to be paid in pursuance of the terms and provisions of this act, which sum, together with an amount sufficient to cover all the expenses of collecting the same and executing this commission, and not exceeding five thousand dollars, shall be assessed upon the lots of land and premises (excepting from said assessment however all the lands owned and occupied by any religious denominations) within the following described district and limits, viz.: Commencing at the East river at the foot of Atlantic street and including the lots upon each side of Atlantic street and Atlantic avenue or Schuyler street to the city line, and commencing at the city line at the end of Pacific and Dean streets, and including the lots upon each side of Pacific and Dean streets to Smith street. Lots fronting on all streets and avenues crossing said Atlantic street and avenue or Schuyler street, comprised in the foregoing limits, shall be included in said assessment district.

§ 4. The said Long Island Railroad Company and their assigns shall also, in their said contract, stipulate and agree to cause the streets now used or authorized to be used by said company within the said city, to be conformed to the grade lines which shall have been or may

Compensation of Long Island Railroad Company.

To conform to grades of city.

hereafter be fixed and determined upon by the common council of said city for the grade of any street or avenue upon which said road may now or hereafter run; and that the said common council may fix and regulate the rate of fare upon the said horse railroad within the limits of said city, and which shall be the same as charged by the Brooklyn City Railroad Company, and shall have a municipal control and regulation over said road within the limits of such corporation; and the said common council shall, from the time of the compliance with the terms of such contract made by the commissioners, have and possess the powers over the said road within said city, as to grade, rate of fare, and control and regulation, specified in this section; and the said commissioners shall not make their said contract with the said Long Island Railroad Company, or its assigns, until the Brooklyn and Jamaica Railroad Company shall signify their assent to the provisions of this act by a stipulation, in writing, under their corporate seal, duly executed and acknowledged, and which shall be duly recorded in the office of the register of the county of Kings, and which shall contain a full relinquishment of the right of said company to use steam within the corporate limits of said city, pursuant to the provisions of and upon the conditions specified in this act.

Contract to
be recorded
in office of
register of
Kings
county.

§ 5. The said contract shall, when duly executed and acknowledged on the part of said company or its assigns, be recorded in the office of the register of the county of Kings, and thereupon it shall be the duty of said commissioners to determine the amount for which an assessment shall be levied, not exceeding, however, in the whole, the sum of one hundred and thirty thousand dollars, and to estimate and determine the amount of benefit to be derived therefrom by the owners of the land within the limits in the preceding section specified, and to assess the same upon such lands.

Powers and
duties of
commis-
sioners.

§ 6. Unless in this act otherwise provided, said commissioners shall be clothed with the same powers and duties, and shall proceed in the same manner, and be subject to the same rules and regulations, and receive the same compensation as commissioners whose appointment is provided for by section three of title four of chapter three hundred and eighty-four of the Laws of eighteen

hundred and fifty-four, passed April seventeenth, and vacancies occurring in the commission hereby appointed shall be filled in this manner provided by said section. All the provisions of titles four and five of said act, applicable to the improvement and assessment hereby provided for, and not inconsistent with this act, shall regulate and govern said commissioners in the discharge of their duties as such, except that the commissioners under this act are hereby substituted for the common council and their clerk in said act mentioned, and all the acts and things required to be done by said commissioners under this act, may be done by a majority of them. Said commissioners shall be allowed to use any of the maps now in use upon said district, for the purpose of making the assessment, and to employ such assistants as may be necessary, but shall not be required to make searches for title; and upon the confirmation of the report of the said commissioners, the right to use steam by the said Long Island Railroad Company, and their assigns, and by the Brooklyn and Jamaica Railroad Company within the limits of said city, shall cease; and all laws allowing the use of steam by either of said companies within the corporate limits of said city of Brooklyn are, as from the time of such confirmation, hereby repealed.

§ 7. Upon a compliance on the part of the said Long Island Railroad Company, or their assigns, and of the said Brooklyn and Jamaica Railroad Company, with the provisions of the said contract, the said commissioners shall appoint a collector to collect said assessment, and shall take from him a bond, in the penalty of fifty thousand dollars, executed to the people of the state of New York, with sureties, who shall justify in the aggregate in the sum of fifty thousand dollars, conditioned for the faithful performance of his duties as such collector, which bond shall be approved by said commissioners; and in case of any default or breach of his trust by said collector, said commissioners shall prosecute the same in the name of the people of said state. Said collector, before he enters into the discharge of his duties as such, shall take the oath of office before an officer authorized to administer oaths, and said commissioners shall thereupon certify and deliver to said collector their assessment list, with a warrant, under their hands and seals, authorizing

Collector to
be appointed.

him to levy and collect the same, and thereupon, unless herein otherwise provided, said collector shall levy and collect the amount of the several assessments therein mentioned in the same manner as the county tax is levied and collected, and the same measures taken to enforce the collection thereof as are provided by law in regard to the county tax. Unless in this act otherwise provided, said collector shall be clothed with the same powers and duties, and be subject to the same rules and regulations in the discharge thereof as are possessed by and govern the collectors in the city of Brooklyn.

Assess-
ments, to
whom paid.

§ 8. During thirty days after the confirmation of their report, said assessment may be paid to said commissioners without any interest, and a deduction of one per cent shall be allowed upon all assessments so paid. After the expiration of said thirty days, said collector may add to said assessments then unpaid, and collect therewith, interest at the same rate as collected by the collector of the city of Brooklyn, until paid, from the confirmation of said report, and two per cent thereon for collection and disbursement fees; and after the expiration of sixty days, the collection and disbursement fees so to be added and collected, as aforesaid, shall be three per cent; which collection and disbursement fees shall belong to the collector, for his fees, under this act. As fast as such assessment and interest shall be collected, they shall be paid over by said collector to the said commissioners, whose duty it shall be immediately to deposit the same in some solvent bank in the city of Brooklyn, to be drawn out by said commissioners, upon their warrant, for the purposes in this act provided.

Commis-
sioners to
enforce
fulfillment
of contract.

§ 9. It shall be the duty of said commissioners to enforce the fulfillment, by the Long Island Railroad Company, or its assigns, of the contract, when entered into, in accordance with the terms thereof, and to take all necessary and legal measures for that purpose, and they shall cause the said company, or its assigns, or any company or individual running such road, to run the same agreeably to such contract, and prevent the running of the same contrary thereto; but this shall not be construed to affect the rights and remedies of any individual, or of the municipal corporation.

§ 10. This act shall take effect immediately.

Chap. 485.

AN ACT providing for the appointment of an additional number of notaries public in the city and county of New York.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The governor is hereby authorized and empowered, and with the advice and consent of the senate, to appoint, in and for the city and county of New York, in addition to the number now prescribed by law, one hundred additional notaries public.

Additional
notaries
public to be
appointed.

§ 2. This act shall take effect immediately.

Chap. 486.

AN ACT enabling the Cattaraugus County Agricultural and Horticultural Society to draw their proportion of money devoted to agricultural purposes from the state treasury.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Out of any moneys to which the county of Cattaraugus would have been entitled, by virtue of the act passed May fifth, eighteen hundred and forty-one, entitled "An act to promote agriculture," and acts for the promotion of agriculture, passed subsequent thereto, there shall be paid to the Cattaraugus County Agricultural and Horticultural Society, in sums not exceeding one hundred dollars per year, such moneys as appear to have been appropriated and set apart to the county of Cattaraugus, and have not hitherto been drawn from the treasury of the state, until the whole sum which has been appropriated and set apart to the county of Cattaraugus shall have been drawn out, except such sums as have been heretofore paid.

Money to
be paid to
Cattaraugus
county
agricultural
and horticultural
society.

Treasurer
to pay
money on
warrant of
comptroller

§ 2. The treasurer of the state shall pay, on the warrant of the comptroller, to the order of the treasurer of the said Agricultural and Horticultural Society, countersigned by the president, the sum of one hundred dollars, annually, out of the treasury of the state; provided, however, that an equal amount shall be annually raised by voluntary subscription or otherwise, which shall appear to the satisfaction of the comptroller.

Money
raised by
annual
subscription.

§ 3. If the sum of one hundred dollars is not raised by annual subscription or otherwise, then the treasurer is authorized to pay as above, an equal sum, as may appear to the satisfaction of the comptroller to have been subscribed and paid.

Provisions
of certain
acts not to
apply.

§ 4. The provisions of this act are not to apply to the act or acts making annual appropriations for agricultural purposes, but the above sum is in addition to the sum of eighty-six dollars per year, to which the county of Cattaraugus is now by law entitled.

§ 5. This act shall take effect immediately.

Chap. 487.

AN ACT to incorporate the South Pacific American Mail Steamship Company.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Body
corporate.

SECTION 1. Lewis Reford, Daniel Butterfield, J. Howard Wainright and others, of the city of New York, and their associates, and all other persons who are, or hereafter may be, holders of the stock hereinafter mentioned, are hereby constituted a body corporate by the name of the South Pacific American Mail Steamship Company, and so to remain and continue for twenty years next ensuing, for the purpose of building, equipping, furnishing, fitting, purchasing, chartering and arming vessels, to be propelled solely or partially by the power or aid of steam, or other expansive fluid or motive power; and to be run and propelled in navigating the Pacific ocean south of and including the port of Panama; and

also purchasing, owning and navigating such auxiliary sailing vessels as may be necessary to provide fuel or other necessities; and, for such purpose, all the necessary and incidental power is hereby granted to said corporation, and all the contracts made may be either verbal or under the signature of the president and secretary of said company, and with or without the corporate seal.

§ 2. The capital stock of said corporation shall be five hundred thousand dollars, and is to be divided into shares of one hundred dollars each. The corporation may commence operations when three hundred thousand dollars shall have been subscribed, and the sum of five per cent on the amount of each share subscribed for paid in, with liberty of increasing the capital one million dollars.

Capital
stock.

§ 3. Lewis Reford, Daniel Butterfield, and J. Howard Wainright shall be commissioners to receive subscriptions for such capital stock, at such times and places in the city of New York as they shall appoint, by giving ten days' public notice thereof in one or more newspapers published in the city of New York; and if the whole capital stock shall not be subscribed for at the times and places so appointed, other subscriptions may be at any time received, until the whole capital stock shall have been subscribed, under such regulations as the board of directors of the corporation shall adopt.

Commis-
sioners to
receive sub-
scriptions.

§ 4. As soon as three hundred thousand dollars shall have been subscribed, the said commissioners shall call a meeting of the stockholders by giving ten days' public notice thereof in one or more newspapers published in the city of New York, and said stockholders shall elect, by ballot, at such meeting, or any subsequent general meeting, five directors, being stockholders and citizens of this state, to hold their office for one year, to manage and conduct the affairs, concerns and business of the corporation; each stockholder at such election shall be entitled to one vote for each share he shall hold at the time of such election, and the election shall be made by such of the stockholders, as shall attend for that purpose, either in person or by proxy; and the directors of the said corporation, except for the first year, shall be annually elected at such time and place as shall be directed by the by-laws of said corporation.

When
\$300,000 is
subscribed,
&c.

Quorum.

§ 5. Any three directors of said corporation shall form a quorum for the transaction of all the business of said corporation.

Power of directors.

§ 6. It shall be lawful for the directors of the corporation to call in and demand from the stockholders, respectively, all such sums of money by them subscribed for, at such times and in such payments or installments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon; if payment shall not be made by the stockholders within sixty days after demand, a notice requiring such payment shall have been published for six successive weeks in one or more newspapers published in the city of New York.

Common seal.

§ 7. Said corporation may have and use a common seal; and the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by its by-laws.

President.

§ 8. The directors of the corporation, who from time to time may be duly elected, may appoint one of their number to be president, and such other officers and agents, and establish such by-laws and regulations as they may think proper and expedient for the government of the corporation and the management of their business, so that such by-laws and regulations shall not conflict with or in any manner violate the constitution or laws of this state or of the United States.

Liability of stockholders.

§ 9. The stockholders of the said corporation shall be jointly and severally individually liable for all the debts that may be due and owing to all their laborers and operatives for services performed for said corporation.

Ibid.

§ 10. The stockholders of said corporation shall be severally individually liable to the creditors of said corporation, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said corporation, until the amount of the capital stock of said corporation shall have been paid in, and a certificate thereof shall have been made and recorded, as prescribed in the following section.

Certificate to be made, &c.

§ 11. The president and a majority of the directors of the corporation, within thirty days after the payment of the last installment of the capital stock of said corporation, shall make a certificate stating the amount of the capital

stock of the corporation, and that the same is paid in; which certificate shall be signed and sworn to by a majority of the directors, and they shall, within the said thirty days, record the same in the office of the clerk of the city and county of New York.

§ 12. But no stockholder shall be personally liable for the payment of any debt contracted by the said corporation, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt shall be brought against said corporation within one year after the debt shall become due; and no suit shall be brought against any stockholder in said corporation, for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder in said corporation, nor until an execution against the corporation shall have been returned unsatisfied in whole or in part.

Stockholders not liable for any debt, not to be paid within one year.

§ 13. It shall be the duty of the said corporation to cause a book to be kept by the treasurer or clerk thereof, containing the names of all persons who are or shall, within two years, have been stockholders in said corporation, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares; which book shall, at all reasonable times, be open for the inspection of the creditors and stockholders of the said corporation, at the office or principal place of business of said corporation.

Book of treasurer.

§ 14. The said corporation shall possess the general powers and privileges, and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes, and by the several acts amendatory thereof.

§ 15. This act shall take effect immediately.

Chap. 488.**AN ACT to incorporate the Atlantic and Pacific Steamship Company.****Passed April 19, 1859.**

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Body
corporate

SECTION 1. Edwin Croswell, Spencer Kirby, Daniel N. Carrington, William S. Roberts, and their associates, and all other persons who now are or hereafter may be holders of the stock hereinafter mentioned, are hereby constituted a body corporate by the name of the Atlantic and Pacific Steamship Company, and so to remain and continue for the period of twenty years next ensuing, for the purpose of building, equipping, furnishing, fitting, purchasing, chartering and owning vessels, or any share or shares, interest or interests therein, legal or equitable. to be propelled solely or partially by the power or aid of steam, or other expansive fluid or motive power, and to be run and propelled in navigating to and from the city of New York and the city of New Orleans, and in the waters of the Gulf of Mexico, in the waters of the Atlantic ocean, and in the waters of the Pacific ocean, to touch at any intermediate port or place between said cities or in said waters, and to run between such other ports and places, except the inland waters of the state of New York, as the directors of said corporation or the government of the United States may direct, and for such purpose all necessary and incidental power is hereby granted to said corporation, for carrying freight and passengers, for transporting the mail, and for providing coals, materials and supplies, and for all other business of the company; and all contracts may be made either verbal or under the signature of the president and secretary of said company, and with or without the corporate seal.

Capital
stock.

§ 2. The capital stock of said corporation shall be one million of dollars, with liberty to increase it to a sum not exceeding two millions of dollars; and after such capital of one million shall have been subscribed, and one-half thereof paid in, to borrow any sum or sums

of money, the indebtedness for the moneys so borrowed not to exceed at any one time in the aggregate one million of dollars. Said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of the said corporation shall direct. The said corporation may commence operations when five hundred thousand dollars shall have been subscribed, and five per cent on each share subscribed for paid in.

§ 3. Any three of the corporators above named shall be commissioners to receive subscriptions for such capital stock, at such time and places in the city of New York, or elsewhere, as they shall appoint, by giving ten days' notice thereof in one or more of the newspapers in the city of New York; and if the whole capital stock shall not be subscribed for at the times and places so appointed, other subscriptions may be at any time received, until the whole capital stock shall have been subscribed, under such regulations as the board of directors of the corporation shall prescribe.

Commissioners to receive subscriptions for capital stock.

§ 4. As soon as five hundred thousand dollars shall have been subscribed, the said commissioners shall call a meeting of the stockholders, by giving ten days' public notice thereof in one or more newspapers published in the city of New York; and said stockholders shall elect by ballot, at such meeting, or at any subsequent general meeting, five directors, being stockholders, to manage and conduct the concerns, affairs and business of the said corporation, who shall hold their office for one year, and until others are chosen in their places. The directors, except for the first year, shall be annually chosen, at such time and place as shall be directed by the by-laws of the said corporation. In all meetings of the stockholders, each share shall entitle the holder to one vote; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. In case it should at any time happen that an election shall not be made on the day appointed by the by-laws of the said corporation, the said corporation shall not for that cause be deemed dissolved, but such election may be held on any day which shall be appointed by the directors of said corporation.

When \$500,000 subscribed, meeting of stockholders to be called.

Quorum.

§ 5. Any three directors of said corporation shall form a quorum for the transaction of all the business of said corporation.

May demand pay for stock subscribed for.

§ 6. It shall be lawful for the directors of said corporation to call in and demand from the stockholders, respectively, all such sums of money by them subscribed for, at such times and in such payments or installments as the directors shall deem proper, and the said corporation may sue for and recover all such sums as may from time to time or at any time be due on subscriptions, with interest from the time of default in payment thereof; or, if payment shall not be made by any stockholder or stockholders within sixty days after personal demand, or after notice requiring such payment shall have been published at least once in each week for four successive weeks in one or more newspapers published in the city of New York, the board of directors may declare the said shares of stock so subscribed for by such stockholder or stockholders forfeited, and the same shall thereby be forfeited to the said company, together with all previous payments thereon.

Seal.

§ 7. The said corporation may have and use a common seal, and the same may alter or renew at pleasure; and said corporation may purchase, acquire, hold and convey such real estate as may be required for its purposes, to an amount not exceeding two hundred thousand dollars.

President to be appointed.

§ 8. The directors of said corporation, who from time to time may be duly elected, may appoint one of their number to be president, and such other officers and agents, and establish such by-laws and regulations as they may think proper and expedient for the government of the corporation and the management of their business, so that such by-laws and regulations shall not conflict with this charter, nor in any manner violate the constitution or laws of this state or of the United States.

Liability of stockholders.

§ 9. The stockholders of the said corporation shall be jointly and severally individually liable for all the debts that may be due or owing to all the laborers and workmen employed by them for services performed for said corporation.

Book to be kept containing list of stockholders.

§ 10. It shall be the duty of the said corporation to cause a book to be kept by the treasurer or clerk thereof, containing the names of all persons who are stockholders

in said corporation, and showing their places of residence, the number of shares of stock held by them, respectively, and the time when they, respectively, became the owners of such shares, which book shall be open for the inspection of the creditors and stockholders of the said corporation, at the office or principal place of business of said corporation.

§ 11. This act shall take effect immediately.

Chap. 489.

AN ACT to enable the supervisors of the city and county of New York to raise money by tax.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the city and county of New York are hereby empowered, as soon as conveniently may be after the passage of this act, to order and cause to be raised by tax on the estates, real and personal, subject to taxation according to law, within the said city and county, and to be collected according to law, a sum not exceeding two million, one hundred and seventy-five thousand and ninety-two dollars, for county objects and purposes within said county, including the expenses of police, as follows, to wit:

Money to be
raised by
tax.

Arrearages of eighteen hundred and fifty-eight, forty-one thousand one hundred and eighty-nine dollars.

Taxes, how
applied.

Arrearages of police department, one hundred and thirty-six thousand seven hundred and thirty dollars.

County contingencies, fifty thousand dollars.

Coroners' fees, twenty-two thousand dollars.

Election expenses, twenty-five thousand dollars.

Fuel, furniture, lighting, cleaning and supplies to county offices, thirty-two thousand five hundred dollars.

House for detention of witnesses, ten thousand eight hundred dollars.

Interest on Harlem bridge bonds, six hundred dollars.

Officers' fees, twenty-five thousand dollars.

For police, for the payment of salaries of members of

the police, now on the pay roll of the Metropolitan police force, or who may hereafter be appointed thereon for said city and county, one million two hundred and twenty-six thousand three hundred and sixty-five dollars.

Taxes, how
applied.

Police, contingencies of deputy superintendent, five thousand dollars.

Police, for payment of judgments and contingent expenses, paid from appropriation of eighteen hundred and fifty-eight, eleven thousand four hundred and twenty-four dollars.

Printing and advertising, twenty-three thousand dollars.

Rents, eleven thousand dollars.

Salaries, two hundred and eighty-six thousand four hundred and eighty-four dollars.

Society for Reformation of Juvenile Delinquents, eight thousand dollars.

Stationery, ten thousand dollars.

And also a further sum, not exceeding the sum of nineteen thousand two hundred and three dollars, by tax on the estates, real and personal, subject to taxation according to law, within the said city and county, and to be collected according to law, to be applied toward defraying the law expenses and disbursements connected therewith, incurred by the board of police, for the metropolitan police district, and the said sum to be disbursed upon the order and receipt of the treasurer of the said board of police.

May raise
tax for
expenses of
city govern-
ment.

§ 2. The said board of supervisors are also hereby empowered, as soon as conveniently may be after the passage of this act, to order and cause to be raised by tax on the estates, real and personal, subject to taxation according to law, within the said city and county, and to be collected according to law, a sum not exceeding four millions, six hundred and sixty-six thousand, five hundred and twenty-eight dollars, for the expenses of the government of the city of New York, and for such other expenses as the mayor, aldermen and commonalty of the said city may be put to by law; such portion of the expenses of the said city as relate to repairing, repaving and cleaning streets, shall be assessed only in that part of the said city lying south of a line running through the center of Fifty-seventh street; and such portion of

the expenses of the said city as relates to lamps and gas, shall be assessed only on that part of the said city which is or may be designated by the common council of the city of New York, by resolution or ordinance, as the lamp district of said city, as follows, to wit:

Alms-house department, six hundred and sixty-five thousand dollars. Taxes, how applied.

Alms-house, buildings and repairs, one hundred and fifteen thousand, two hundred and fifty dollars.

Aqueduct, repairs and improvements, twenty-five thousand dollars.

Arrearages of eighteen hundred and fifty-eight, three hundred and twenty thousand dollars.

Battery enlargement, twenty thousand dollars.

Belgian pavement, one hundred thousand dollars.

Board of health, forty-five thousand dollars.

City contingencies, sixty thousand dollars.

Contingencies, comptroller's office, fifteen thousand dollars.

Contingencies, law department, including rent of office, witnesses and extra counsel fees, twenty thousand four hundred and fifty dollars.

Contingencies, mayor's office, including killing dogs, eight thousand five hundred dollars.

Contingencies, street department, thirty thousand dollars.

City inspector's department, twelve thousand dollars.

Charges on arrears of assessments, five thousand dollars.

Charges on arrears of taxes, five thousand dollars.

Cleaning streets, three hundred thousand dollars.

Cleaning markets, seven thousand dollars.

Diamond reef, blasting, twenty thousand six hundred dollars.

Donations, fifteen thousand dollars.

Errors and delinquencies, five thousand dollars.

Election expenses, twenty thousand dollars.

Fuel, furniture, lighting, cleaning and supplies to corporation offices, twenty-five thousand dollars.

Fire and police telegraph, seven thousand dollars.

Fire department, for two bell-ringers at Washington market bell tower, one thousand four hundred dollars.

Fire department, sixty-four thousand two hundred and twenty-five dollars.

Taxes, how
applied.

Fire department, lot and house for engine company number twenty, eighteen thousand dollars.

Fire department, lot and house for engine company number forty-one, six thousand two hundred dollars.

Fire department, lot and house for hook and ladder company number three, eight thousand dollars.

Foundling Hospital, twenty-five thousand dollars.

Interest on revenue bonds, three hundred and twenty thousand dollars.

Interest on assessment bonds, eight thousand dollars.

Interest on Tompkins market building stock, ten thousand two hundred dollars.

Intestate estates, seven thousand dollars.

Judgments, eight hundred and eighty thousand dollars.

Judgments and claims against, or expenses incurred by officers of the corporation, in defense of their official acts, twenty thousand dollars.

Lamps and gas, four hundred and sixty thousand dollars.

Lands and places, sixteen thousand dollars.

Lands and places, for Tompkins' square or park, eight thousand dollars.

Printing and advertising for common council, fifty thousand dollars.

Printing and advertising for departments, thirty-two thousand dollars.

Public buildings, construction, repairs and alterations, including city hall, police and fire departments, and Tompkins market, one hundred and ninety-three thousand eight hundred dollars.

Rents, thirty-nine thousand dollars.

Real estate purchases, including fire department, thirty-four thousand dollars.

Real estate, expenses, one hundred and seventy-five thousand dollars.

Roads and avenues, forty thousand dollars.

Roads, Kingsbridge, from Tenth avenue to Kingsbridge, ten thousand dollars.

Roads, to pay claim of Terrance McGuire, for gravel and macadamizing stone, one thousand and one dollars.

Stationery, fifteen thousand dollars.

Supplies for police department, twenty thousand dollars.

Sewers, repairing, cleaning and freighting, twenty thousand five hundred dollars.

Streets, repaving and repairs, seventy-five thousand dollars. Taxes, how applied.

Street improvements, seventeen thousand five hundred dollars.

Salaries, city purposes, four hundred and twelve thousand six hundred and two dollars.

Wells and pumps, four thousand dollars.

Water pipes and laying, eighty-nine thousand and three hundred dollars.

§ 3. The said board of supervisors are also hereby empowered and required, in case of any judgment or judgments, other than those hereinbefore mentioned, being obtained against the mayor, aldermen and commonalty of the city of New York, or in case of any sum or sums of money being required to satisfy the claim or claims of any of the members of the police force in the city of New York, for back pay on arrearages of salary, or legal expenses connected with such claim or claims, to direct the comptroller of said city, on his recommendation, to issue revenue bonds of the said city, for an amount sufficient to pay any such judgment or judgments, claim or claims, and to order and to cause to be raised the next succeeding year, by tax on the estates, real and personal, subject to taxation according to law, within the said city and county, a sum not exceeding the amount sufficient for the payment or redemption of said revenue bonds, and interest thereon. Judgments against mayor.

§ 4. No portion of the said respective sums hereinbefore named shall be expended or applied to any other purpose or object other than the objects and purposes, respectively, for which the board of supervisors of said city and county of New York are hereinbefore empowered to raise the same as aforesaid. Funds not to be applied to any other purpose than for which they were raised.

§ 5. Whenever the comptroller of the said city shall have reason to believe that any judgments now of record against the mayor, aldermen and commonalty of the city of New York, or which may hereafter be obtained against them, shall have been obtained by collusion, or founded in fraud, he is hereby authorized and required to take all proper and necessary means to open and reverse the same, and to use the name of the said mayor, aldermen and commonalty, and to employ counsel for such purpose. Judgments against city.

§ 6. This act shall take effect immediately.

Chap. 490.

AN ACT to authorize Wynant G. Vandenberg, the only surviving member of the Consistory of the Reformed Protestant Congregation, of Halfmoon, Saratoga county, to alienate certain real estate belonging to said congregation.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May sell
and convey
real estate.

SECTION 1. Wynant G. Vandenberg, the only surviving member of the consistory of the Reformed Protestant Congregation, of Halfmoon, Saratoga county, is hereby authorized and empowered to sell and convey in fee simple all the real estate owned by said congregation, or in which they have any interest, for such price and upon such terms as he shall deem proper, and to receive the proceeds of such sale.

Proceeds of
sale, how
applied.

§ 2. From the proceeds of such sale, the said Wynant G. Vandenberg shall pay the just and proper expenses of such sale and conveyance, and all other legal and equitable demands existing against said congregation or the consistory thereof, and shall, without unnecessary delay, pay the remainder of such proceeds to the trustees or consistory of the Protestant Reformed Dutch Church, now located and existing in the village of Waterford, Saratoga county, to be by them invested, and the income arising therefrom to be applied towards the support of the preaching of the gospel in said church.

§ 3. The foregoing provisions of this act shall not invalidate any contracts heretofore entered into between the consistory of the Reformed Protestant Congregation of Halfmoon, and the trustees of the school district now occupying said premises.

§ 4. This act shall take effect immediately.

Chap. 491.

AN ACT in relation to the court of special sessions in the city and county of New York, and of the powers of police justices.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In all cases of misdemeanors, in the city and county of New York, where the accused, upon being arrested and brought before the committing magistrate, shall elect to have his case heard and determined by the court of special sessions in said city and county, agreeably to the provisions of section five of chapter three hundred and thirty-seven, Laws of eighteen hundred and fifty-five, the affidavit of complaint shall be forthwith filed with the clerk of said court, to the end that said court may proceed to hear and determine the same according to law. If the accused be admitted to bail, after electing to be tried by the court of special sessions, a recognizance shall be taken for the appearance of said accused at said court of special sessions, which shall also be filed with the clerk of said court, and if the accused shall fail to appear, pursuant to the condition of said recognizance, the said court shall, by an order entered in their minutes, direct the same to be forfeited, and the clerk thereof shall return said recognizance, with a certified copy of the minutes of the court forfeiting the same, to the district attorney of the city and county of New York, to the end that said accused and sureties may be prosecuted thereon according to law.

Persons accused of misdemeanors may be tried by court of special sessions.

§ 2. The court of special sessions in and for the city and county of New York, shall have power, by warrant tested in the name of any one of the justices authorized to hold said court, and signed by the clerk thereof, and entered in the minutes, to enforce its judgments and orders; to bring before said court all accused persons for trial or judgment in all cases in which they have jurisdiction; to issue subpoenas for the attendance of witnesses, attachments for contempt, and other process necessary for the proper conduct of said court, the same to be tested

Powers of court of special sessions.

in like manner and signed by said clerk ; and subpoenas issued for the attendance of witnesses in said court shall be served by some proper person or persons, under the direction of the clerk thereof.

Witnesses
may be paid
in certain
cases.

§ 3. When any person shall have been committed as a witness in behalf of the people of this state, in any cause pending in the court of special sessions of the city and county of New York, and it shall appear that such person is poor, the said court, in its discretion, may, by an order in its minutes, direct the county treasurer to pay such witness such sum of money, not exceeding ten dollars, as shall seem reasonable to the court. The clerk of said court shall immediately make out and deliver a certified copy of such order to the person in whose favor the same is made, without exacting any fee for such service. Upon the production of such certified copy to the county treasurer, he shall pay to the person authorized to receive the same, the sum of money so directed to be paid, which shall be allowed to said treasurer in his accounts.

Fines.

§ 4. Fines imposed by the court of special sessions shall not be remitted without the concurrence of all the justices holding the court at the time the fine was imposed, unless the person fined has served in prison one day for each dollar of the fine.

Intoxica-
tion or
disorderly
conduct.

§ 5. In all cases of arrest for intoxication or disorderly conduct in the city of New York, the police justices shall have power, in addition to holding the party to bail for good behavior, to impose a fine not exceeding ten dollars in each case, or to commit to the city prison not exceeding ten days; each day of imprisonment to be taken as a liquidation of one dollar of the fine. The governors of the alms-house shall not, in the cases where by law they are empowered to discharge vagrants from the institution under their control, hereafter discharge any of said vagrants from custody, before the expiration of their terms of imprisonment, without the written consent of the committing magistrate in each case. All fines collected by wardens of prisons shall be paid by them to the clerks of the courts by whom said fines were imposed; and said clerks shall return the same monthly, under oath, to the county treasurer, with the names of the persons paying the same, and the amount paid by each.

§ 6. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 492.

AN ACT to increase the number of Directors of "The Harlem Gas Light Company," of the city of New York.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The number of the directors of "The Harlem Gas Light Company," of the city of New York, incorporated under an act entitled "An act to authorize the formation of gas light companies," passed February sixteenth, eighteen hundred and forty-eight, may be increased to a number not exceeding nine, at such time or times as the board of directors of said company may prescribe, by resolution of such board.

Number of
directors
increased.

§ 2. This act shall take effect immediately.

Chap. 493.

AN ACT to legalize the official acts of Philip Pratt.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the official acts of Philip Pratt, as a justice of the peace of town of Cambridge, in the county of Washington, are hereby declared to be as valid and effectual, for all purposes, as if the said Philip Pratt had been duly elected to such office, in the year one thousand eight hundred and fifty-four. But nothing in this act shall effect any action or proceeding already commenced.

Official acts
confirmed.

§ 2. This act shall take effect immediately.

Chap. 494.

AN ACT to repeal the act entitled "An act to amend the act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April sixteenth, eighteen hundred and fifty-seven, so far as the same is applicable to the counties of Oneida and Onondaga," passed April twelfth, eighteen hundred and fifty-eight.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act repealed.

SECTION 1. The act entitled "An act to amend an act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April sixteenth, eighteen hundred and fifty-seven, so far as the same is applicable to the counties of Oneida and Onondaga," passed April twelfth, eighteen hundred and fifty-eight, is hereby repealed, so far as the same is applicable to the county of Oneida.

§ 2. This act shall take effect immediately.

Chap. 495.

AN ACT prescribing the powers and duties in certain cases of the canal board, the canal commissioners, and other officers whose duties relate to the canals of this state.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Canal board may not cancel contracts except in certain cases.

SECTION 1. The canal board shall not have power to cancel any contract entered into for the enlargement and completion of the canals of this state, unless upon application of the contractor or contractors in cases where the state has failed to make payment according to the contract; nor shall the said board have power to cancel

any contract entered into, pursuant to the laws of this state, to keep in repair any completed or uncompleted portions of the canals of this state; and neither the said canal board nor the canal commissioners, or either of them, shall have power to make any allowance to contractors, under contracts for keeping said canals in repair, beyond the sums stipulated to be paid by such contracts; and no abatement or allowance shall be made to any contractor of repairs, from the sum agreed to be paid by him to the state, for the boats, tolls, implements and materials embraced in the inventory exhibited at the letting and attached to the contract for repairs.

§ 2. All contracts entered into by any canal commissioner, superintendent of canal repairs, or engineer in charge of repairs, for the delivery of timber or lumber for the repairs of the canals, or to do or complete a specific job of work relating to such repairs, and involving the performance of labor, and the furnishing of materials, when not advertised to be let to the lowest bidder, shall be in writing; and such contract, duly authenticated, shall, within fifteen days after the same shall be executed, and before any money shall be paid thereon, be filed in the canal department; and all such contracts shall state the time within which the same is to be performed and executed, which shall not exceed one year from the date thereof.

Contracts
for material

§ 3. The office of assistant collectors or assistants to collectors of canal tolls on the canals is hereby abolished, and the duties pertaining to that office shall hereafter be performed by the collectors of tolls, except as herein provided.

Office of
assistant
collector
abolished.

§ 4. The collectors of canal tolls shall not have the power to select or hire a room or building to be occupied as a collector's office, without the consent of the canal commissioners in charge of the division of the canals on which such collector shall be appointed, and where such office may be located; nor shall any money be paid for the rent of any collector's office unless such canal commissioner shall have approved of the amount agreed to be paid for the rent of any such office. Collectors of canal tolls shall not have the power to designate or select any person to measure, count or inspect any timber or

Room to be
occupied as
collectors'
office.

lumber carried in rafts or boats on the canals of this state.

Compensation to be fixed by canal board.

§ 5. The canal board shall, from year to year, when the annual appointments are made, fix and determine the compensation and salaries to be paid to the collectors of canal tolls and their clerks, to the weighmasters and their assistants, and to such other officers and agents connected with the collection of tolls on the canals as the said board are or may be authorized to appoint or employ, which shall not be increased during such year. No clerks shall be employed by any collector of tolls, except when the auditor of the canal department shall certify the same to be necessary to enable such collector to perform the duties of his office.

Inspectors and measurers to be appointed.

§ 6. For the purpose of protecting the state in its property, revenue and tolls on the canals, the canal board is hereby authorized to appoint ten inspectors and measurers of lumber and timber, and of boats and their cargoes, to be located at such points and places on the canals as may be deemed most expedient to accomplish the objects of the appointment.

May administer oath.

§ 7. The measurers and inspectors authorized to be appointed under the next preceding section, are hereby authorized to administer oaths, when the same becomes necessary, to enable them to discharge the duties of their respective offices.

Statement of expenditure.

§ 8. When any superintendent of canal repairs, or resident engineer having charge of such repairs, shall submit to the canal commissioner in charge the detailed statement of the several anticipated objects of expenditure on the line of the canal under his charge, it shall be the duty of such commissioner, if he dissents from any particular object of expenditure set forth in such estimate, in whole or in part, or if he shall consider the sum estimated for the objects named to be larger than will be required, to state, in writing, on the estimate, his allowance or disallowance of each particular object of expenditure named therein, and of the amount which in his judgment may be required for each work or object; and every such superintendent and engineer shall apply the sums so estimated and allowed to the work or object named in such estimate, and to no other purpose whatever. And all orders and directions given by any

engineer to any contractor on the public works, during the progress of the same, and in relation thereto, shall be in writing.

§ 9. So long as any canal in this state shall be let and under contract, to be kept in repairs in pursuance of law, it shall be the duty of the canal commissioners to cause a boat to be laden so as to draw at least four inches more water than other boats are permitted to draw; such boat so laden shall be run through the whole length of such canal, as often as once in thirty days, day and night, and be weighed and measured at every weigh lock, and the weight of cargo and draft of water stated on the clearance; a report of every such trip or passage shall be made to the auditor of the canal department without delay, accompanied by a full copy of the clearance and the indorsements thereon, and a statement of all the delays occasioned by obstructions in the navigation, or want of water, and the cause thereof. The auditor shall keep a full record of all such reports, and monthly publish a brief statement of the same in the state paper.

Proceedings of commissioners when canals are under contract.

§ 10. The clerk of the contracting board, ex officio, is hereby invested with the powers of commissioner of deeds for any part of this state; but such clerk shall not be entitled to charge fees for any services he may perform by virtue of this act,

Clerk of contracting board.

§ 11. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

§ 12. This act shall take effect immediately, except sections three and six, which shall take effect on the first day of January, eighteen hundred and sixty.

Chap. 496.

AN ACT in relation to the compensation of justices of sessions.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compensation.

SECTION 1. The compensation of justices of sessions is hereby established at three dollars for each day's attendance at any court of sessions or court of oyer and terminer, held in and for any county in this state; and said justices of sessions shall be entitled to the further sum of five cents per mile for traveling expenses in coming to and returning from said courts.

§ 2. This act shall take effect immediately.

Chap. 497.

AN ACT to repeal an act entitled "An act relating to highways in the town of Greenburgh, county of Westchester," passed March fourteenth, eighteen hundred and thirty-seven.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act repealed.

SECTION 1. An act entitled "An act relating to highways in the town of Greenburgh, county of Westchester," passed March fourteenth, eighteen hundred and thirty-seven, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 498.

AN ACT to incorporate the Saratoga Monument Association.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. George Strover, William Wilcox, and their associates, shall be a body corporate and politic, by the name and style of the "Saratoga Monument Association," for the purpose of taking and holding sufficient real and personal property to erect, on such spot in the town of Saratoga, and as near the place where Burgoyne surrendered the British army, as a majority of the trustees hereinafter named shall deem practicable, a monument commemorative of the battle which ended with Burgoyne's surrender, on the seventeenth of October, seventeen hundred and seventy-seven.

Body
corporate.

§ 2. The affairs of the association shall be managed by a board of fourteen directors, a majority of whom may constitute a quorum for the transaction of business.

Board of
directors.

§ 3. The said board of trustees shall have power to purchase, take and hold real and personal estate sufficient to erect and protect a monument, as in the first section of this act specified; to appoint from their body a president, a vice-president, a treasurer and a secretary, and such other officers and agents as they may deem necessary to carry out the objects of this association. They may pass such by-laws and regulations for the government of the association, its officers and agents, as they may deem reasonable and just, and enforce the same by fines and penalties, to be sued for in the name and for the benefit of the association. They may establish a common seal for the corporation, and alter it at pleasure.

Board of
trustees,
powers of.

§ 4. The first board of trustees shall consist of George Strover, William Wilcox, and Henry Holmes, of the town of Saratoga; James M. Marvin, and John A. Corey, of the town of Saratoga Springs; James M. Cook, of the town of Milton; Edward C. Delavan, of the town of Ballston, in the county of Saratoga; Leroy Morey, of the town of Greenwich; Asa C. Tefft, of the town

First
trustees.

of Fort Edward, in the county of Washington, Horatio Seymour of Utica, George W. Bleecker of Brooklyn, Hamilton Fish of New York, Peter Gansevoort of Albany, and Philip Schuyler of Westchester county.

Vacancies.

§ 5. Vacancies in the office of trustee, by death, resignation or removal from the state, or refusal to serve, may be supplied by the remaining members of the board.

Compensation.

§ 6. No member of the board of trustees, nor officer or agent of the association, shall receive any pay for his services over and above his actual traveling expenses, to be audited and allowed by the board; but nothing in this section shall prevent the board from employing agents to travel and solicit subscriptions, and retain a small commission, not exceeding ten per cent, upon all moneys thus paid into the treasury of the association, nor to prevent the board from employing some suitable person to take care of the monument after it is completed, or in process of erection.

Funds to be invested.

§ 7. The board of trustees may invest the funds received from contributions or otherwise, from time to time, until a sufficient sum is accumulated to commence the monument.

Annual meetings.

§ 8. Annual meetings of the board of trustees shall be held at such time and place as the major part of them may direct; and special meetings may be held in like manner.

Chap. 499.

AN ACT to continue the charter of the Oneida Manufacturing Society.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter continued.

SECTION 1. The act passed March eleventh, eighteen hundred and thirty-nine, entitled "An act to amend and continue the charter of the Oneida Manufacturing Society," is hereby extended for the period of twenty years from the first day of May, one thousand eight hundred and fifty-nine.

Chap. 500.

AN ACT making appropriations for the support of the government for the fiscal year commencing on the first day of October, one thousand eight hundred and fifty-nine.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums, or so much thereof as shall be authorized by law, are hereby appropriated to the objects hereinafter expressed, for the fiscal year commencing on the first day of October, one thousand eight hundred and fifty-nine, and ending on the thirtieth day of September, one thousand eight hundred and sixty, both days inclusive, and to be paid out of the several funds hereinafter mentioned; but no moneys herein appropriated for the payment of salaries shall be paid out of the treasury in a larger proportion than one-twelfth part thereof for each month in the said fiscal year:

FROM THE GENERAL FUND REVENUE.

For salary of the governor, four thousand dollars.	Salary of governor.
For rent and taxes of the house occupied by the governor, three thousand dollars.	Rent of governor's house.
For salaries of the judges of the court of appeals, twelve thousand dollars.	Judges of court of appeals.
For salaries of the justices of the supreme court, one hundred thousand dollars.	Justices of the supreme court.
For salary of the clerk of the court of appeals, two thousand dollars.	Clerk of court of appeals.
For salary of the deputy clerk of the court of appeals, one thousand five hundred dollars.	Deputy clerk.
For salary of the state reporter, two thousand dollars.	State reporter.
For salary of the attorney-general, two thousand dollars.	Attorney-general.
For salary of the deputy attorney-general, one thousand five hundred dollars.	Deputy attorney-general.
For salary of the secretary of state, two thousand five hundred dollars.	Secretary of state.

Deputy secretary of state.

For salary of the deputy secretary of state and clerk of the commissioners of the land office, one thousand five hundred dollars.

Superintendent of public instruction.

For salary of the state superintendent of public instruction, two thousand five hundred dollars.

Deputy superintendent.
Comptroller.

For salary of the deputy superintendent of public instruction, one thousand five hundred dollars.

For salary of the comptroller, two thousand five hundred dollars.

Deputy comptroller.

For salary of the deputy comptroller, two thousand dollars.

Accountant &c., of comptroller's office.

For the salary of the accountant and transfer officer of the comptroller's office, one thousand seven hundred and fifty dollars.

Treasurer.

For salary of the treasurer, one thousand five hundred dollars; and for compensation, per chapter one hundred and three of the Laws of eighteen hundred and fifty-seven, one thousand dollars.

Deputy treasurer.

For salary of the deputy treasurer, one thousand five hundred dollars.

✓ Deputy state engineer and surveyor.
Adjutant-general.

For salary of the deputy state engineer and surveyor, two thousand dollars.

For salary of the adjutant-general, one thousand five hundred dollars.

Assistant adjutant-general.

For salary of the assistant adjutant-general, one thousand dollars.

Purchase of "Military Tactics."

For the purchase of the work denominated "Military Tactics," to be distributed to the militia, to be paid upon the certificate of the adjutant-general and the warrant of the comptroller, the sum of one thousand five hundred dollars.

Inspector-general.

For compensation of the inspector-general and his expenses, two thousand dollars.

Commissary-general

For salary of the commissary-general, one thousand five hundred dollars.

Judge advocate-general

For salary of the judge-advocate-general, one hundred and fifty dollars.

Private secretary of governor.

For salary of the private secretary of the governor, two thousand dollars.

Clerks, &c., in executive department.

To the governor, for clerks, messenger, and clerical services in the executive department, two thousand six hundred dollars.

For salary of the curator of the state cabinet of natural history, one thousand five hundred dollars.	Curator of state cabinet.
For salary of the superintendent of weights and measures, five hundred dollars.	Supt. weights and measures.
For salaries of the inspectors of state prisons, four thousand eight hundred dollars; and for traveling expenses, twelve hundred dollars.	Inspectors of state prisons.
For salaries of the clerks in the office of the clerk of the court of appeals, three thousand five hundred and fifty dollars.	Office of clerk of court of appeals.
For salaries of the clerks in the office of the secretary of state, six thousand dollars.	Office of secretary of state.
For salaries of the clerks in the comptroller's office, eleven thousand three hundred dollars.	Comptroller's office.
For salaries of the clerks in the office of the superintendent of public instruction, two thousand dollars.	Supt. of public instruction.
For salaries of the clerks in the office of the treasurer, three thousand dollars.	Office of treasurer.
For salaries of the clerks in the office of the state engineer and surveyor, one thousand five hundred dollars.	Office of state engineer and surveyor.
For compensation of the clerks to assist the deputy state engineer and surveyor in preparing railroad reports and statistics, one thousand six hundred dollars. The salary of the deputy state engineer and surveyor, together with the amount paid to the clerks to assist him, and for printing reports, shall be paid and refunded to the treasury by the several railroad companies of this state in proportion to their respective gross receipts, as was provided in chapter five hundred and twenty-six of the Laws of one thousand eight hundred and fifty-five.	Clerks to assist deputy state engineer and surveyor.
For salary of the clerk in the office of the attorney-general, eight hundred dollars.	Office of attorney-general.
For salary of the messenger in the office of the attorney-general, two hundred and fifty dollars.	Messenger in office of attorney-general.
For the compensation of the officers and members of the legislature, ninety thousand dollars.	Legislature.
For stationery, postage, expenses of committees, pay of witnesses, and other contingent expenses of the legislature, twenty thousand dollars.	Stationery, expense of committees, etc.
For the Legislative Manual, printing, binding, maps and diagrams, one thousand five hundred dollars.	Legislative Manual.
For stationery for the public offices, and for the clerks	Stationery

for public offices.	of the senate and assembly, four thousand five hundred dollars.
Furniture, books, &c., for public offices.	For furniture, books, binding, blanks, printing and other necessary expenses of the public offices, to wit :
State engineer and surveyor.	For office of the state engineer and surveyor, eight hundred dollars.
Secretary of state.	For office of the secretary of state, one thousand five hundred dollars.
Comptroller.	For office of the comptroller, one thousand five hundred dollars.
Supt. of public instruction.	For office of the state superintendent of public instruction, one thousand five hundred dollars.
Treasurer.	For office of the treasurer, eight hundred dollars.
Attorney-general.	For office of the attorney-general, six hundred dollars.
Adjutant-general.	For office of the adjutant-general, one thousand five hundred dollars.
Inspector-general.	For office of the inspector-general, two hundred dollars.
Clerk of court of appeals.	For office of the clerk of the court of appeals, eight hundred dollars.
Postage of official letters.	For postage of official letters of the governor, secretary of state, comptroller, state superintendent of public instruction, treasurer, attorney-general, state engineer and surveyor, adjutant-general, inspector-general and clerk of the court of appeals, two thousand five hundred dollars.
Fuel for capitol, &c.	For fuel for the capitol, state hall, and state library, two thousand five hundred dollars.
Expenses of capitol.	For expenses of the capitol, for repairs, gas, cleaning, labor, &c., seven thousand dollars.
Superintendent of capitol.	For salary of the superintendent of the capitol, nine hundred dollars.
Expenses of state hall.	For expenses of the state hall, for repairs, gas, cleaning, labor, superintendent's compensation, &c., four thousand dollars.
Id.	For the expenses of the hall for the state cabinet of natural history, and the agricultural museum, for repairs, cleaning, fuel, gas, &c., one thousand five hundred dollars.
Keeper of hall for state cabinet.	For salary of the keeper of the hall for the state cabinet of natural history and the agricultural museum, seven hundred dollars.

For salary of the taxidermist of the state cabinet of natural history, five hundred dollars.	Taxidermist.
For the preservation and increase of the state cabinet of natural history, and of the historical and antiquarian collection annexed thereto, including contingent expenses, eight hundred dollars.	State cabinet of natural history.
For the purchase of books for, and the enlargement of the state library, two thousand dollars.	State library.
For binding, lettering and marking books for the state library, twelve hundred dollars.	Ib.
For expenses of the state library for repairs, cleaning, gas, freight, transportation of journals and documents of the legislature to the several states, and the janitor's compensation, one thousand dollars.	Ib.
For the salaries of the state librarian, assistant librarian, second assistant librarian, and third assistant librarian, four thousand dollars.	State librarian and assistants.
For international and state exchanges by the regents of the university, four hundred dollars.	International and state exchanges.
For incidental expenses of government, seven hundred and fifty dollars.	Incidental expenses.
For compensation of the constables and criers in attendance upon the court of appeals and the supreme court, three thousand dollars.	Criers and constables in courts.
For printing for the state, including binding, mapping, engraving, and publishing official notices, seventy-five thousand dollars.	Printing for state.
For the apprehension of criminals, one thousand dollars.	Apprehension of criminals.
For the apprehension of fugitives from justice, four thousand dollars.	Apprehension of fugitives from justice.
For the commissary's department, fourteen thousand dollars.	Commissary's department.
For the pay of keepers of arsenals, twelve hundred dollars.	Keepers of arsenals.
For agricultural societies in the several counties, and the state agricultural society for the promotion of agriculture, eight thousand dollars.	Agricultural societies.
For the salary of the entomologist of the state agricultural society, one thousand dollars.	Entomologist of state agricultural society.
For the salaries of the officers of the State Lunatic Asylum, five thousand five hundred dollars.	Officers of State Lunatic Asylum.

Mark Jack,
an insane
Indian.
Insane con-
victs.

For the support of Mark Jack, an insane Indian, at the state lunatic asylum, two hundred dollars.

For the support of insane convicts and the expenses of the asylum for insane convicts, twenty thousand dollars.

State pri-
sons.

For the support and maintenance of the several state prisons, two hundred and fifty thousand dollars.

For trans-
portation of
convicts.

For the pay of sheriffs for the transportation of convicts to the state prisons, twenty thousand dollars.

For appre-
hension of
escaped
convicts.
Agents to
examine
auctioneers'
accounts.
Books for
use of state
prison con-
victs.

For the expenses of the apprehension of escaped convicts, three hundred dollars.

For the compensation of agents to examine auctioneer's accounts, eight hundred dollars.

For the purchase of books for the use of the convicts in the state prisons, viz.: Sing Sing prison, two hundred dollars; Auburn Prison, two hundred dollars; Clinton prison, one hundred dollars.

New York
institution
for instruc-
tion of the
deaf and
dumb.

For the New York institution for the instruction of the deaf and dumb, for the support and instruction of two hundred and twenty pupils, thirty-three thousand dollars; provided, that that number of pupils shall have been supported and instructed in said institution for the entire year next preceding, or a proportionate amount thereof for a less number of pupils, which fact shall be proven by the oath of the principal officer of said institu-
tion.

New York
institution
for the in-
struction of
the blind.

For the New York institution for the blind, for the support and instruction of one hundred and eighty pupils, twenty-seven thousand dollars; provided, that the number of pupils shall have been instructed and supported in the said institution for the entire year next preceding, or a proportionate amount thereof for a less number of pupils, which fact shall be proven by the oath of the principal officer of the institution.

House of
refuge.

For the house of refuge of western New York, twenty-five thousand dollars.

Idiot Asy-
lum.
Incorpo-
rated or-
phan asy-
lums in this
state.

For the idiot asylum, eighteen thousand dollars.

For the incorporated orphan asylums in this state, except the Leake and Watts Asylum in the city of New York, including the society for the relief of destitute children of seamen in the county of Richmond, the Poughkeepsie Home of the Friendless, the Rochester Home of the Friendless, the Female Guardian Society and Home

for the Friendless in the city of New York, and Women's and Children's Hospital in the city of New York, and the Albany Guardian Society and Home for the Friendless, in proportion to the average number of children or women maintained and supported wholly, during the year immediately previous to the making of their several reports by each of them, which fact shall be proved by the testimony on oath of the principal officer of the asylum, the sum of thirty thousand dollars, but no asylum shall receive over four thousand dollars.

For the society for the reformation of juvenile delinquents of the city of New York, twenty-four thousand dollars.

For pay of the attorney of the Seneca Indians, one hundred and fifty dollars.

For pay of the agent of the St. Regis Indians, seventy dollars.

For pay of the agent of the Onondaga Indians, one hundred dollars.

For pay of the agent of the Onondaga Indians on the Allegany and Cattaraugus reservations, one hundred and fifty dollars.

For expenses of removing intruders on Indian lands, two hundred dollars.

For surveys, appraisements, assessments and other expenses of public lands, one thousand dollars.

For fees of county clerks, twenty-five dollars.

For fees of surrogates, twenty-five dollars.

For annuity to James Minor, sixty dollars.

For expenses of courts-martial, five hundred dollars.

For costs of suits, fees of sheriffs and witnesses in suits prosecuted or defended by the attorney-general for the people, and for expenses and disbursements by the attorney-general as may be authorized by law, the sum of two thousand dollars.

For counsel employed to assist the attorney-general, two thousand dollars.

For pay of the commissioners to examine the accounts of the treasurer, and of the canal and the banking departments, one thousand two hundred dollars.

For refunding money in cases of the failure of title to lands sold by the state, five hundred dollars.

To Levi S. Backus for furnishing the Radii to the

Society for the reformation of juvenile delinquents.

Attorney of the Seneca Indians.

Agent of the St. Regis Indians.

Onondaga Indians.

Onondaga Indians.

Expenses of removing indian intruders.

Surveys, &c

County clerks.

Surrogates.

James Minor.

Courts martial.

Costs of suits prosecuted or defended by attorney-general for the people.

Counsel to assist attorney-general.

Commissioners to examine accounts of treasurer.

Failure of title to lands sold by state
Levi S. Backus.

deaf and dumb persons of this state, upon proof being furnished to the comptroller that a number of papers has been actually furnished, which at the regular price of subscription, amounts to that sum, and in the same proportion for a less number, three hundred dollars.

Furnishing reports of court of appeals.

For furnishing reports of the court of appeals and of the supreme court to other states, two hundred and fifty dollars.

Transportation of session laws, documents, &c.

For transportation of the session laws, journals and documents of the legislature, reports, books and packages, per express, for the public offices, and for expenses of boxes, three thousand dollars.

Superintendent of banking department.

For salary of the superintendent of the banking department, clerk hire, and contingent expenses, twenty-five thousand dollars.

Onondaga salt springs.

For expenses of the Onondaga salt springs, thirty-five thousand dollars.

County treasurers.

For advances to county treasurers on account of non-resident taxes returned to the comptroller's office, twenty thousand dollars.

Refunding money paid for redemption of land

For refunding to purchasers moneys paid into the treasury for redemption of lands sold for taxes, twenty thousand dollars.

Refunding erroneous payments into treasury.

For refunding erroneous payments into the treasury on account of taxes, two thousand five hundred dollars.

For refunding money paid into the treasury by mistake, five hundred dollars.

Extinguishment of claims.

For extinguishment of claims on land owned or sold by the state, one thousand dollars.

Sheriffs for transmitting reports.

For pay of sheriffs for transmitting reports of convictions by the courts of special sessions to the secretary of state, one hundred dollars.

Washington's headquarters.

For the compensation of the keeper of Washington's headquarters, one hundred dollars.

Regents of university, for indexing Colonial History.

To the regents of the university, for completing the index of the Colonial History of the state, including the superintending of the press, the sum of seven hundred and fifty dollars.

Ib., for printing, stationery, pay of messenger, &c.

For the regents of the university, for printing, stationery, postage, pay of messenger, and other incidental expenses, one thousand dollars.

Secretary of regents.

For the salary of the secretary of the board of regents of the university, two thousand dollars.

To the New York institution for the instruction of the deaf and dumb, in the city of New York, the sum of twenty-five thousand dollars, in lieu of an appropriation of twenty-nine thousand dollars to said institution by chapter seven hundred and eighty-seven of the Laws of eighteen hundred and fifty-seven, and in lieu of all claim for an appropriation of five thousand dollars for general purposes, for the years eighteen hundred and fifty-eight and eighteen hundred and fifty-nine; and the commissioners of the land office, are hereby authorized and required to reconvey to said institution all the lands and property which have been conveyed to the state by said institution in pursuance of said act, chapter seven hundred and eighty-seven of the Laws of eighteen hundred and fifty-seven.

New York
institution
for the in-
struction of
the deaf and
dumb.

To the treasurer of the county of Onondaga the sum of three hundred dollars, or so much thereof as may be necessary for the relief of Onondaga Indians, under and in pursuance of chapter two hundred and six of the Laws of eighteen hundred and fifty-eight.

Treasurer
of Onon-
daga county

For the relief of Stephen H. Keeler, one hundred and eighty dollars; but the same shall not be paid if provided for by any other law.

Stephen H.
Keeler.

For unexpended balance of appropriation for draining the Cayuga marshes, thirteen thousand three hundred and eighty dollars and fifty-three cents. The money hereby appropriated shall be levied and collected from the owners of the lands benefited, in the manner provided by chapter one hundred and seventy-eight of the Laws of eighteen hundred and fifty-three.

Draining
Cayuga
marshes.

For the several hospitals in this state, other than those in the city of New York, in pursuance of the provisions of chapter four hundred and ten of the Laws of eighteen hundred and fifty-one, the sum of fifteen thousand dollars, to be divided among the several hospitals in proportion to the number of patients actually treated and occupying beds in the said hospitals during the year ending the thirtieth day of September, eighteen hundred and fifty-nine, to be established by returns made upon oath as specified in said act.

Hospitals.

For the Colored Home in the city of New York, the sum of six hundred dollars.

Colored
Home.

For New York Hospital, fifteen thousand dollars.

New York
Hospital.

Buffalo
asylum.

For the Buffalo Asylum for Widows and Lying-in Women and Foundlings, seven hundred dollars.

New York
Eye and
Ear Infir-
mary.
New York
Dispensary.

For the New York Eye and Ear Infirmary, seven hundred dollars.

Various dis-
pensaries in
New York
city.

For the New York Dispensary, seven hundred dollars.

For the Northern Dispensary, the Eastern Dispensary, the Demilt Dispensary, Northwestern Dispensary, and the New York Infirmary for women and children, all in the city of New York, five hundred dollars each.

Buffalo City
Dispensary.

For Buffalo City Dispensary, five hundred dollars.

House of
Refuge in
New York.

For the House of Refuge in New York, for building a female department, twenty-five thousand dollars.

Brooklyn
Dispensary.

For the Brooklyn Dispensary and Brooklyn Central Dispensary, four hundred dollars each.

Williams-
burgh Dis-
pensary.

For the Williamsburgh Dispensary, three hundred and seventy-five dollars.

Albany Dis-
pensary.
Dispensary
connected
with Troy
Hospital,
&c.

For the Albany Dispensary, three hundred dollars.

For the Dispensary connected with the Troy Hospital, and the Dispensary connected with Marshall Infirmary, in Troy, each three hundred dollars.

Syracuse
Home Asso-
ciation.

To the Syracuse Home Association, two hundred and fifty dollars.

Western
House of
Refuge.

To the Western House of Refuge, for the enlargement of the yard and buildings, and extending the walls around the yard, the sum of five thousand dollars, to be expended under the direction of the managers.

Moneys for
taxes for
opening
roads.

For payment of moneys received for taxes for opening and improving roads, four thousand dollars.

Albany
basin loan.

For interest on state stock issued on account of the Albany basin loan, nine thousand six hundred and twenty-nine dollars and twenty-eight cents.

Interest on
comptrol-
ler's bonds.

For interest of comptroller's bonds issued to create the school and gospel fund for the benefit of the Stock-bridge Indians, two thousand one hundred and sixty dollars.

Treasurer
of Genesee
county.

To the treasurer of the county of Genesee for the reimbursement of and overpayment arising from an error of one million dollars in the addition of the taxable valuation of the real estate of said county, for the year eighteen hundred and fifty-five, to be credited by the comptroller to the county of Genesee, upon the amount of tax due to the treasury for the fiscal year commencing on the first day of October, eighteen hundred and fifty-

nine, and to be accepted in full payment, the sum of one thousand two hundred and fifty dollars.

For interest on the loan of fifty thousand dollars for extraordinary repairs and improvements of the canals, made agreeably to chapter three hundred and seventy-four of the Laws of eighteen hundred and forty-nine, three thousand dollars.

Interest on loan for extraordinary repairs and improvements.

For interest on the Oswego canal loan of two hundred thousand dollars, per chapter five hundred and one of Laws of eighteen hundred and fifty-one, twelve thousand dollars.

Interest on Oswego canal loan.

For the interest on six millions, four hundred and sixty-nine thousand six hundred and fifty-four dollars and thirty-seven cents, being the amount of the general fund debt chargeable upon the general fund sinking fund, which sum the comptroller is hereby authorized to transfer from the general fund revenue to the general fund debt sinking fund, or so much thereof as may be required to meet the deficiency in said sinking fund, three hundred and fifty-four thousand six hundred and six dollars and ten cents.

Interest on general fund debt.

For the purchase of books and stationery for the transfer office at the Manhattan Company, New York, two hundred dollars.

Transfer office of Manhattan Company.

For the completion of the third volume of the palæontology of this state, including printing, binding, drawing and engraving, under the contracts made for the same, nine thousand six hundred and forty-two dollars and seventy-five cents, or so much thereof as may be necessary, to be paid only on the certificate of the commissioners appointed to superintend the same, said appropriation being in lieu of former appropriations.

Completion of third volume of palæontology.

To James Hall, for one year's salary as the palæontologist of this state, under the contract made with him by the commissioners for completing the Natural History of New York, to be paid on the certificate of said commissioners, the sum of two thousand dollars.

James Hall.

For the Thomas Asylum for orphans and destitute Indian children, the sum of one thousand dollars, payable quarterly, provided satisfactory evidence is furnished to the comptroller that said institution has supported and educated at least fifty Indian children during the quarter preceding the payment, or in the same proportion for a

Thomas Asylum.

less number ; but the said asylum shall receive no portion of the amount hereinbefore appropriated for the benefit of the orphan asylums of this state.

PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.

Interest on money chargeable to general fund.

For interest on six million, three hundred and forty-six thousand nine hundred and fifty-nine dollars and fifty cents of the general fund debt, chargeable to the sinking fund, three hundred and forty-seven thousand two hundred and forty-four dollars and forty-one cents.

For the payment of annuities to the following Indian tribes, viz.:

Annuities to Onondagas.

To the Onondagas, two thousand four hundred and thirty dollars.

To Cayugas

To the Cayugas, two thousand three hundred dollars.

Senecas.

To the Senecas, five hundred dollars.

St Regis.

To the St. Regis Indians, two thousand one hundred and thirty-one dollars and sixty-nine cents.

Redemption of state stock issued N. Y. & Erie Railroad Co.

For the redemption of state stock issued to the New York and Erie Railroad Company, due on the first day of July, eighteen hundred and sixty, two hundred thousand dollars.

Redemption of state stock issued to Canajoharie & Catskill Railroad Co.

For the redemption of state stock issued to the Canajoharie and Catskill Railroad Company, due on the first day of July, eighteen hundred and sixty, fifty thousand dollars.

PAYABLE FROM THE COMMON SCHOOL FUND.

Dividends to common schools.

For dividends to the common schools, including the salaries of the county school commissioners, one hundred and fifty-five thousand dollars.

Expenses of lands. New York Teacher.

For expenses of lands, two hundred dollars.

To the superintendent of public instruction to pay for subscriptions to the New York Teacher for gratuitous distribution among school officers, eight hundred dollars.

Refunding money paid for lands sold for taxes.

For refunding money paid into the treasury for the redemption of lands sold for arrears of consideration, five hundred dollars.

Refunding surplus moneys. Id. on account of failure of title Indian schools.

For refunding surplus moneys arising from the sale of lands for arrears of consideration, five hundred dollars.

For refunding money on account of failure of title to lands sold by the state, three hundred dollars.

To the state superintendent of public instruction, for

the support of Indian schools, per chapter seventy-one of the Laws of eighteen hundred and fifty-six, four thousand dollars.

PAYABLE FROM THE LITERATURE FUND.

For dividends to academies, twelve thousand dollars.

For the purchase of text books, maps and globes, philosophical and chemical apparatus for the academies, two thousand five hundred dollars.

PAYABLE FROM THE INCOME OF THE UNITED STATES DEPOSIT FUND.

For dividends to common schools, one hundred and sixty-five thousand dollars.

For dividends to academies, twenty-eight thousand dollars.

For amount to be added to the capital of the common school fund, twenty-five thousand dollars.

For the support of the State Normal School, twelve thousand dollars.

For refunding moneys erroneously paid into the treasury, five hundred dollars.

For expenses of lands, one hundred dollars.

For the instruction of common school teachers in the academies designated by the regents of the university, sixteen thousand dollars.

For teachers' institutes in the several counties, five thousand dollars.

PAYABLE FROM THE BANK FUND.

For interest on stock issued on account of the bank fund, eight thousand five hundred dollars.

For the redemption of bills, twenty-five dollars.

For contingent expenses, five hundred dollars.

No moneys shall be paid by the treasurer of the state from the moneys hereby appropriated, without a detailed account being presented, except for salaries fixed by law, and verified by affidavit of the party presenting such account; and whenever any sum is appropriated for travel or traveling expenses, such travel shall be specified by showing the distance traveled, from what place, to what place, and on what duty or business, and the date; and the items of expense shall in like manner be given,

Dividends to common schools.

Dividends to academies.

Common school fund.

State Normal School.

Moneys erroneously paid.

Expenses of lands.

Academies.

Teachers' institutes.

Bank fund.

Redemption of bills.

Contingent expenses.

and no sum shall be included in such travel or expense unless the money was actually paid by the party claiming the same. On all accounts for transportation, stationery, and other expenditures, where bills can be procured, receipted bills shall accompany such accounts. The treasurer shall annually report at length to the legislature the details of all such expenditures.

Chap. 501.

AN ACT to authorize the laying of a railroad track on the berme side of the Chenango canal.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Majority
may organ-
ize com-
pany.

SECTION 1. It shall be lawful for Samuel P. Russell, Smith Mott, Sanford Gardner, Wells C. Russell, Henry G. Beardsley, William T. Manchester, Adon Smith, David J. Mitchell, Lewis Wickwire, Samuel Brownell, Othniel S. Williams, Henry H. Fish, Abram E. Culver, Calvin Hall, Aaron Bliss, David Ransom, David W. Ingalls, John Mitchell, and those who may be now or hereafter associated with them, provided they or a majority of them shall organize as a company, pursuant to section five of this act, and their successors, to lay a single railroad track, with the necessary turnouts, on the bermeside of the Chenango canal, commencing in the city of Utica, and running thence southerly on the berme bank to any point on said canal, not deviating from the berm bank of said canal, except when necessary for turnouts or to avoid locks, bridges, buildings, heavy grades, or in passing through villages, except as hereafter mentioned in section five.

May lay
single track

Not to
obstruct
passage of
vehicles.

§ 2. The track of said railroad shall, in those points where it passes bridges on said canal, or across any highway, be laid of such rails as shall least obstruct free passage of vehicles and carriages over the same; and the said company is authorized to build bridges whenever necessary for said railroad; and bridges for

crossing the said canal shall be so constructed as not to interfere with the transportation business on said canal.

§ 3. The cars to be used on said railroad shall be drawn by horses only, and said company shall keep so much of the berme bank of said canal as shall be used for said railroad in good order, and shall be subject to the directions of the canal commissioners, in regard to the repairs of the berme bank, aforesaid, and also in regard to the location and construction of bridges over said canal for said railroad, with right to appeal from the canal commissioners to the canal board. The said railroad shall be completed within two years from the passage of this act, and the powers and privileges under this act shall continue thirty years.

Cars to be drawn by horses.

§ 4. No greater amount than four cents per mile shall be charged for the transportation of a passenger, except for a single mile, when the sum of six cents may be charged, and a fraction of a mile may be estimated as one mile.

Fare.

§ 5 It shall be lawful for said Samuel P. Russell, and others mentioned in the first section of this act, solely, or with their associates or successors, to organize under an act of the legislature entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty; and in the event of such organization, all the provisions of said act, applicable to this act, shall apply to said grantees and their associates and successors, except the number of persons designated in the first section thereof shall not be required, and excepting the provisions of sections twenty-seven, thirty-one, thirty-two, thirty-eight, thirty-nine, forty, forty-one, forty-four, and also excepting section twenty-nine, when transportation business is suspended on the Chenango canal; but the provisions of this act shall not be construed as authorizing the said company to appropriate for the use of said railroad, any lands other than the berme bank of the canal, as aforesaid, without the consent of the owners thereof, except when necessary for turnouts, or to avoid locks, bridges, buildings, heavy grades, or in passing through villages.

May organize under act of 1850.

Not to appropriate other lands than the berme bank of canal.

Chap. 502.

AN ACT to legalize the proceedings of the school commissioner and trustees of the Union Free school, district number four, in the town of Newtown, county of Queens.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Acts
legalized.

SECTION 1. The act or acts of the school commissioner of the county of Queens, and of the trustees of the Union Free School, district number four, in the town of Newtown, county of Queens, so far as said act or acts relate to the organization of school district number eleven, are hereby legalized.

§ 2. Anything in the act entitled "An act to provide for the establishment of union free schools," passed June eighteenth, one thousand eight hundred and fifty-three, or in any subsequent act, inconsistent with the provisions of this act, is hereby repealed.

Chap. 503.

AN ACT authorizing the clerk of the county of Erie to record an assignment of a certain bond and mortgage.

Passed April 19, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Assignment
to be placed
on records
of Erie
county.

SECTION 1. The clerk of the county of Erie is authorized and directed to place upon the records in his office, the assignment, made on the fifteenth day of November, eighteen hundred and forty-seven, by Albert Gallup, of the city of Albany, to the president, directors and company of the Canal Bank, of a certain bond executed by Jasper Hodge and Sarah Hodge ; and of a certain mortgage executed by Jasper Hodge, Sarah Hodge, William Hodge and Sarah Hodge, to Albert Gallup, bearing date

the twenty-first day of June, eighteen hundred and forty-seven.

§ 2. This act shall take effect immediately.

Chap. 504.

AN ACT to amend an act entitled "An act to amend an act incorporating the village of Geneva in the county of Ontario, passed May sixth, eighteen hundred and thirty-seven," passed April fourteenth, eighteen hundred and fifty-five, and to confer certain powers on the board of trustees of that village for the year eighteen hundred and fifty-nine.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In addition to the power now given by the act hereby amended to raise money by tax, the board of trustees of the village of Geneva for the year eighteen hundred and fifty-nine, and for that year only, may (without a vote of the taxpayers of the said village, or of any meeting called in pursuance of said act) raise by tax, to be assessed according to the said act, upon the taxable property of the said corporation, the sum of four hundred dollars, which they shall apply to pay off a certain note made by divers citizens of said village, and held by the Bank of Geneva, and the avails of which were applied to the repairs of the Lake road, so called, and if, after paying off the said note in full, there shall remain any part of the said sum of four hundred dollars, the same shall be by said board of trustees paid into the treasury of said corporation.

Trustees
may raise
\$400 by tax.

§ 2. The thirty-first section of the act hereby amended, is amended by adding thereto the following: "And the meeting held in pursuance hereof may, in the same manner in which other taxes are raised, raise by tax as herein provided such a sum as shall, with the surplus remaining in the treasury under the provisions of this act,"

§ 31 amend-
ed.

amount to the sum of five hundred dollars ; and the sum so raised, and the said surplus (provided that the whole thereof shall not exceed the sum of five hundred dollars) shall be a fund in the treasury to be used by the said trustees for any of the purposes of said corporation, in their discretion. And if the said surplus shall exceed the sum of five hundred dollars, the excess thereof over and above that sum, shall be and remain in the said treasury, and shall be applied to reduce the gross amount of taxation for the then current year, and in that case no sum shall be raised by tax as herein provided, but the sum of five hundred dollars may be applied from said surplus towards any of the purposes of said village by the trustees thereof, in their discretion.

§ 3. The word "ten" in the said thirty-first section is hereby stricken out and the word "thirty" inserted in its stead, and the annual meeting in the said section mentioned shall be called as soon as the said trustees have ascertained and estimated the amount as in said section provided.

§ 4 repealed

§ 4. Section fourth of chapter one hundred and sixty-two of the Laws of eighteen hundred and fifty-seven is hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 505.

AN ACT for the relief of James Sperry.

Passed April 19, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Claims to
be investi-
gated.

SECTION 1. The canal appraisers are hereby authorized and required to take proofs and investigate the claim of James Sperry, of the town of Henrietta, in the county of Monroe, for damages alleged to have been sustained by him in eighteen hundred and fifty-six, by being thrown from his wagon, and his shoulder bone broken, ribs fractured and spinal bone injured, in consequence of a defect in a canal bridge over the Erie canal at Saint Paul street in the city of Rochester, and to award to said Sperry

such damages as he may be entitled to, and for which he has a just or equitable claim against the state, not exceeding the sum of two thousand dollars, subject to appeal to the canal board, as in other cases.

§ 2. The comptroller, upon the warrant of the auditor of the canal department, shall pay to James Sperry, his personal representatives or assigns, the sum awarded by the canal appraisers, out of any money in the treasury appropriated or to be appropriated for canal purposes.

Comptrol-
ler to pay
award.

Chap. 506.

AN ACT to change the names of James Bryant, Agnes Bryant and Carl Bryant.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The person now known and designated as James Bryant in the city and county of New York, shall have his name changed to James O'Brien Bryant, and the person now known as Agnes Bryant shall hereafter be named Agnes O'Brien Bryant, and the person known as Carl Bryant, of said city and county, shall have his name changed, and hereafter be known and designated as Carolan O'Brien Bryant.

Names
changed.

§ 2. This act shall take effect immediately.

Chap. 507.

AN ACT to amend the charter and change the name of the Ocean Insurance Company.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the Ocean Insurance Company of the city of New York, is hereby changed to that of the Anchor Insurance Company of the city of New

Name
changed.

York, provided always that such change of name shall not affect or impair the liabilities of said company.

Available
capital.

§ 2. The available capital of said company shall at no time be less than two hundred thousand dollars; and if at any time it shall be ascertained that by reason of losses or expenses the available assets of said company, over and above all debts and liabilities, have become reduced to an amount less than two hundred thousand dollars, the directors shall have power to levy an assessment, pro rata, upon the shareholders to make up such deficiency; and after public notice in two daily papers in the city of New York, for at least ten days, of such assessment, and requiring its payment, the directors of the company shall have power, if such assessment be not paid within ten days thereafter, to call in and reduce the outstanding certificate of stock, and cancel the same in the books of the company for an amount equal to the assessment so called for, and new certificates thereafter issued shall be only for the remainder.

§ 3. This act shall take effect immediately.

Chap. 508.

AN ACT making appropriations for certain expenses of government, for the year one thousand eight hundred and fifty-nine.

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Treasurer
to pay, &c.

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, except when it is herein otherwise provided, the several sums hereinafter named, or so much thereof as may be necessary in each case, for the purposes and to the persons respectively hereinafter specified; but when an appropriation for the same purposes, or to the same person for the same purpose, shall have been paid or provided for by any other act, or by any officer of government, the sum herein directed to be paid shall not be deemed in addition to such other appropriation, unless expressly so declared in this act:

To William Richardson, as extra compensation in addition to his salary as clerk of the assembly, the sum of three hundred dollars. Clerk of assembly.

To Philander R. Jennings, for his services as deputy clerk of the assembly, the sum of six hundred dollars. Deputy clerk.

To Jerome A. Lake, for his services as assistant journal clerk of the assembly, the sum of six hundred dollars. Assistant journal clerk.

To Cornelius S. Underwood, journal clerk of the assembly, as extra compensation in addition to salary, the sum of four hundred dollars; to Luther Caldwell, assistant clerk, three hundred dollars in addition to salary; to Abel Godard, engrossing clerk, Laurin L. Rose and Philander R. Jennings, deputy clerks, and Jerome A. Lake, assistant journal clerk of the assembly, each the sum of two hundred dollars in addition to salary; to be paid on the certificate of the clerk of the assembly, that the duties and labors of each, incident to and consequent on the session, are fully performed and finished, and the same allowance for mileage as is made to members of the assembly, to be certified by the speaker. C. S. Underwood, Caldwell, Godard, Rose, Jennings and Lake.

To the clerk of the assembly, for extra clerical hire, in engrossing and copying, five hundred dollars; and two hundred and fifty dollars additional for indexing the journal and documents of the assembly. Extra clerk hire.

To Andrew Harbeck, speaker's messenger, Daniel W. Merchant, bank messenger, and the messenger to the postmaster of the assembly, each the sum of two dollars per day, to be certified by the speaker. A. Harbeck and D. W. Merchant.

To Thomas A. Hardy, clerk's messenger of the assembly, the sum of two dollars per day, to be paid on the certificate of the clerk. T. A. Hardy.

To Nathan D. Spencer, library clerk and messenger of the assembly, the sum of three dollars per day, to be certified by the speaker. N. D. Spencer.

To Hugh Magee, postmaster, and James H. Wild, assistant postmaster of the assembly, Glen V. R. Drum, keeper of the assembly chamber, Charles A. Wood, assistant to the sergeant-at-arms, and Volney Eaton, janitor of the assembly, each at the rate of four dollars per day for each day's actual service, and the same allowance for mileage as is paid to members of the assembly; and to each of the other officers of the senate and H. Magee, Wild, Drum, Wood and Eaton.

assembly, except the clerks and deputy clerks, the sum of one dollar per day in addition to the compensation now provided by law, to be certified by the speaker of the assembly.

F. A. Knapp.

To Franklin A. Knapp, librarian of the assembly, for preparing the annual statistical list of the assembly, and for his services after the expiration of the session of the legislature, the sum of twenty-five dollars; for stationery furnished to members of the assembly, the sum of thirty dollars.

P. Allen,
clerk of
senate.

To Samuel P. Allen, clerk of the senate, for extra clerical hire, in engrossing and copying, the sum of five hundred dollars; and three hundred dollars in addition to his salary as clerk of the senate, and two hundred and fifty dollars additional for indexing the journals and documents of the senate for the present session. To William Hotchkiss, executive clerk of the senate, for his salary, the sum of six hundred dollars.

J. Terwilliger,
and
other deputy
clerks
senate.

To James Terwilliger, journal clerk of the senate, the sum of four hundred dollars, as extra compensation, in addition to salary, and to William Hotchkiss, Asahel N. Cole, Charles G. Fairman, deputy clerks of the senate, the sum of two hundred and fifty dollars each, in addition to their salaries, to be paid on the certificate of the clerk of the senate, that the duties and labors incident to and consequent on the session are fully performed and finished, and the same allowance for mileage to each as is made for senators, to be certified by the president of the senate.

G. R. Waldron,
Finnegan,
Garling-
house and
Goodwin.

To George R. Waldron, librarian, Nicholas A. Finnegan, assistant postmaster, Joseph Garlinghouse, janitor, and Nathaniel Goodwin, superintendent of the senate chamber, each the sum of three dollars per day for their services, and mileage at the same rate as the members of the legislature.

A. R. Hoyt.

To Alfred R. Hoyt, bank messenger and clerk's messenger, the sum of two dollars per day, to be paid upon the certificate of the clerk of the senate.

**Officers of
senate.**

To the following officers of the senate, viz.: George R. Waldron, librarian, Henry W. Dwight, sergeant-at-arms, Simeon Dillingham, assistant sergeant-at-arms and postmaster, Nicholas A. Finnegan, assistant postmaster, Richard U. Owen, doorkeeper, Henry W. Shipman,

Samuel Ten Eyck and James C. Clark, assistant door-keepers, Joseph Garlinghouse, janitor, Nathaniel Goodwin, superintendent of the senate chamber, each one dollar per day in addition to the compensation now provided by law, and the same allowance for mileage as is made to senators, to be certified by the president of the senate.

To Dwight Reed, messenger to the president of the senate, Charles A. Garlinghouse, messenger to the postmaster of the senate, and John Stephenson, messenger to the sergeant-at-arms of the senate, each the sum of two dollars per day; and to William Quinn, messenger to the librarian of the senate, the sum of three dollars per day; and to Arthur S. Knight, Thomas P. Graham and George Schermerhorn, messengers of the senate, each the sum of two dollars per day, to be paid on the certificate of the president of the senate.

President's
messenger,
and other
messengers.

For the compensation of the messengers of the senate and assembly, in addition to the number provided for by chapter five hundred and thirty of the Laws of one thousand eight hundred and fifty-three, one dollar and fifty cents per day for actual service, to be paid on the certificate of the president of the senate and of the speaker of the assembly, respectively.

Messengers

To John B. Stonehouse, for his services as clerk of the committee on engrossed bills, the sum of two dollars per day of actual service, to be paid on the certificate of the chairman of that committee.

J. B. Stone-
house.

To William W. Chubbuck, for his services as clerk of the committee on the judiciary, two dollars per day of actual service, to be paid on the certificate of the chairman of that committee.

W. W.
Chubbuck.

To Alexander Wilder, for his services as clerk of the committee of ways and means, the sum of two dollars per day of actual service, to be paid on the certificate of the chairman of that committee.

A. Wilder.

To Wilson Millor, for his services as clerk of the committee on roads and bridges, the sum of two dollars per day of actual service, to be paid upon the certificate of the chairman of that committee.

W. Millor.

To William M. Gillespie, for his services as clerk of the committee on the incorporation of cities and vil-

W. M.
Gillespie.

lages, two dollars per day of actual service, to be paid on the certificate of the chairman of that committee.

T. B. Morrow.

To Thomas B. Morrow, for his services as clerk of the committee on the incorporation of cities and villages, two dollars per day of actual service, to be paid on the certificate of the chairman of that committee.

A. G. Johnson.

To A. G. Johnson, for his services as clerk of the select committee on the bill in relation to salt springs and the manufacture of salt, the sum of fifteen dollars.

C. S. Underwood.

To Cornelius S. Underwood, for his services as clerk of the select committee of nine, one hundred dollars, to be paid on the certificate of the chairman of that committee.

Women cleaning capitol.

For the compensation of the several women employed in cleaning the senate and assembly chambers, and the various rooms connected therewith, during the present session of the legislature, each the sum of two dollars per day of actual service, to be paid upon the certificate of the superintendent of the capital, and to Sarah Morin and Jane Gray, for their services in the state library during the session of the legislature, each the sum of fifty dollars in addition to their present compensation.

Firemen.

For the compensation of the several firemen employed about the capitol and state library, each the sum of three dollars per day of actual service during the present session of the legislature, to be paid on the certificate of the superintendent of the capitol.

Night watch.

For the compensation of the several night watchmen employed about the capitol during the present session of the legislature, each the sum of three dollars per night of actual service, to be paid on the certificate of the superintendent of the capitol.

A. Van Schaack.

To Abram Van Schaack, for compensation for packing and boxing books, reports and documents due members of the legislature, and for other services performed during the year, the sum of one hundred and fifty dollars.

D. Wilson.

To David Wilson, late clerk of the assembly, for his services in revising, publishing and mailing the clerk's manual of rules, forms and laws, the sum of one hundred dollars.

Library and ante-rooms of senate chamber, &c

For the expenses of rearrangement and furnishing of the library and ante-rooms of the senate chamber and its ventilation, the sum of five thousand five hundred

dollars, or so much thereof as may be necessary, to be paid on the certificate of the chairman of the committee of the senate under whose direction the work was done, on vouchers to be filed in the comptroller's office; provided that no portion of the same shall be paid to any member of the legislature of the year one thousand eight hundred and fifty-eight, for services or expenses.

To George B. Johnson, for services of himself and three policemen, at the capitol, on the night of the twenty-first of March, one thousand eight hundred and fifty-nine, the sum of ten dollars.

G. B. Johnson.

To Luther Caldwell, for his services in serving subpoenas on the officers of savings banks and banks of discount, in the cities of New York and Brooklyn, in regard to unclaimed dividends, the sum of twenty-five dollars.

L. Caldwell

To the clergymen who officiated as chaplains during the session of the legislature, the sum of six hundred dollars, to be paid to Rev. J. N. Parker, and to be distributed by him, at the rate of three dollars per day, among said clergymen, for their actual attendance and performance of such duty.

Clergymen.

For expenses incurred by the sanitary committee appointed pursuant to a resolution of the senate, the sum of one thousand six hundred and thirty-five dollars, to be paid on the certificate of the chairman of such committee; provided that no portion of the same shall be paid to any member of said committee for his services or personal expenses.

Sanitary committee.

To H. W. Dwight, in full for services, fees and disbursements, in serving subpoenas for witnesses in the case of the contested seat in the senate, and to attend before the lobby investigating committee, the sum of three hundred dollars.

H. W. Dwight.

To Weed, Parsons and Company, for five hundred and twenty-five copies of the legislative manual, with diagrams, for members, officers and reporters of the legislature, the sum of four hundred and seventy-two dollars and fifty cents.

Weed, Parsons & Co.

To Weed, Parsons and Company, for legislative manuals, maps, diagrams, pursuant to resolution of the assembly, the sum of thirty-four dollars and fifty cents.

Ib.

To Weed, Parsons and Company, for printing, binding and lettering three hundred copies of Croswell's

Ib.

manual, as certified by the secretary of state, the sum of two hundred and sixty-two dollars and fifty cents.

Weed,
Parsons &
Co.

To Weed, Parsons and Company, for one hundred and two copies of the legislative manual, furnished pursuant to resolution of the assembly, on the fourteenth day of March, one thousand eight hundred and fifty-nine, the sum of ninety-one dollars and eighty cents.

S. B. Ruggles.

To Samuel B. Ruggles, late canal commissioner, for services in making the report of the canal commissioners for the year one thousand eight hundred and fifty-nine, after his term of office had expired, the sum of three hundred dollars, to be paid from the canal fund on the warrant of the auditor.

State engineer and surveyor.

To the state engineer and surveyor, for extra traveling expenses during the year one thousand eight hundred and fifty-nine, the sum of three hundred dollars, to be paid from the canal fund on the warrant of the auditor.

Clerk hire.

For extra clerk hire in the office of the state engineer and surveyor, the sum of one thousand five hundred dollars to be paid from the canal fund on the warrant of the auditor and the certificate of the state engineer and surveyor.

Clerk hire to auditor.

For additional clerk hire in the office of the auditor of the canal department during the current year, the sum of one thousand six hundred dollars, to be paid from the canal fund on the warrant of the auditor.

Clerk hire to canal appraisers.

For the compensation of an additional clerk in the office of the canal appraisers, the sum of six hundred dollars, to be paid out of the canal fund on the warrant of the auditor.

Salt springs

For the expenses of the Onondaga salt springs, in addition to the thirty-five thousand dollars appropriated for the year one thousand eight hundred and fifty-nine, the sum of fifteen thousand dollars, to be taken from the surplus revenues arising from duties collected on salt manufactured at said springs.

Cayuga inlet.

For work performed in removing obstructions in the Cayuga inlet, under the direction of the canal commissioner having charge of the middle division, during the year one thousand eight hundred and fifty-eight, the sum of one thousand three hundred and eighty-three dollars.

O. L. Holley

To Orville L. Holley, for making abstracts and indexes of the books of patents and of deeds, in the office of the

secretary of state, said services commencing with the current fiscal year, on the first day of October, one thousand eight hundred and fifty-eight, the sum of eight hundred dollars.

To David E. E. Mix, for preparing a catalogue of the maps and surveys on file in the offices of the secretary of state, of the comptroller, and of the state engineer and surveyor, pursuant to a resolution of the assembly, adopted on the nineteenth day of April, one thousand eight hundred and fifty-eight, the sum of seven hundred and fifty dollars.

D. E. E.
Mix.

For extra clerk hire in the office of the comptroller, to prepare and make sale of lands sold for arrears of taxes, the sum of one thousand dollars.

Comptrol-
ler's extra
clerk hire.

To the regents of the university, to be applied to the expenses of freight, arrangement, and cases, for the Mazatlan collection of shells, presented to the state cabinet of natural history by Philip P. Carpenter, of Warrington, England, the sum of six hundred dollars.

Shells in
state
cabinet.

To the regents of the university, for contingent expenses connected with the charge and distribution of the "Colonial History," the sum of two hundred dollars.

Colonial
History.

To the widow of E. Maxwell Leal, for an additional compensation for her late husband's service as a clerk in the office of the comptroller, from April first, eighteen hundred and fifty-seven, to January twelfth, eighteen hundred and fifty-nine, the sum of three hundred dollars.

E. M. Leal.

To the accountant and transfer officer of the comptroller's office, for additional compensation for the current fiscal year, two hundred and fifty dollars.

Accountant
&c., comp-
troller's
office.

To J. Moreau Smith and Royal Chamberlain, for extra work in preparing the annual insurance report for this year, two hundred dollars.

Royal
Chamber-
lain and
J. M. Smith

For the widows' and orphans' fund of the New York fire department in the city of New York, three thousand dollars to be paid to the treasurer of said department.

Widows
and orphans
fund, New
York fire
department

To R. L. Ross, additional compensation for services rendered, from the first day of June, eighteen hundred and fifty-eight, to the fifteenth day of April, eighteen hundred and fifty-nine, as clerk of the board of commissioners or adjudicating the claims of the New York militia of eighteen hundred and twelve, three hundred and fifty dollars.

R. L. Ross.

Jesse
Mitchell.

To the widow of Jesse Mitchell, the sergeant-at-arms of the special committee of the senate to investigate the affairs of the metropolitan police force, the one hundred dollars voted to O. B. Wheeler for his disbursements as a member of that committee.

F. B.
Spinola.

To Francis B. Spinola, six hundred and eighty-three dollars for so much money paid and advanced for the state, on the investigation of the metropolitan police, in eighteen hundred and fifty-eight.

J. P. Gray.

To John P. Gray, balance and unpaid one hundred and five dollars, expenses and services in visiting state prisons at the request of the inspectors to examine convicts as to insanity, and also to advise in the location and construction of the asylum for prison convicts, said visits made between January, eighteen hundred and fifty-six, and July, eighteen hundred and fifty-eight, at the various times requested by the inspectors.

T. B. Mc-
Gee.

To Thomas B. McGee, eighty-nine dollars and ten cents for services drawing specifications and traveling expenses for lunatic asylum for insane convicts, by order of inspectors of state prisons.

A. Harbeck

To Andrew Harbeck, in addition to the sum previously herein appropriated, one hundred dollars extra pay as speaker's messenger.

S. Dilling-
ham.

To S. Dillingham, for services rendered as assistant sergeant-at-arms for subpoenaing witness and for mileage, fifty dollars.

Weed,
Parsons
& Co.

To Weed, Parsons and Company, for printing done for the office of the secretary of state the sum of six hundred and thirty-four dollars and twenty-two cents, to be paid upon the certificate of the secretary of state.

D. W.
Merchant.

To Daniel W. Merchant, bank messenger of the Assembly, in addition to any other sum appropriated by this bill one dollar per day, to be certified by the speaker.

C. Cassidy.

To Catharine Cassidy, for her services in care of the capitol during the sessions of eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, one hundred and fifty dollars.

D. Camp-
bell.

To Duncan Campbell, assistant adjutant-general, for extra compensation to be certified by the adjutant general, four hundred dollars.

Postmaster
assembly.

To Hugh Magee, postmaster of the assembly, one

hundred dollars in addition to any sums appropriated in this bill.

The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury belonging to the general fund, not otherwise appropriated to the board of commissioners named in an act entitled "An act for the removal of quarantine station," passed March sixth, eighteen hundred and fifty-seven, if in their judgment the public health shall require it, to provide temporary accommodations at any locality which they may procure for persons arriving in the port of New York sick with yellow fever or other pestilential disease, until the present quarantine shall be removed; and it shall be the duty of the commissioners for the removal of the quarantine station to make some suitable arrangement for removing and taking proper care of such persons as may be sick at the hospitals at Castleton, and when such arrangement shall have been made, and notice thereof, in writing, shall have been given to the commissioners of emigration, they shall cease to send sick persons to said hospitals, but shall send them to such place as the said commissioners shall designate, and pay the expense of their support.

Quarantine
commis-
sioners.

To Nathaniel Goodwin, one hundred and fifty dollars for extra service, in addition to the compensation hereinbefore provided.

N. Good-
win.

To S. Dillingham, for services rendered as postmaster after the adjournment of the legislature in eighteen hundred and fifty-eight, twelve dollars, and for eighteen hundred and fifty-nine, fifteen dollars.

S. Dilling-
ham.

To the board of commissioners of pilots, pursuant to chapter two hundred and twenty-six of the Laws of one thousand eight hundred and fifty-eight, for the payment of salaries and expenses for the year one thousand eight hundred and fifty-eight and ending on the fifteenth day of April, one thousand eight hundred and fifty-nine, the sum of seventeen thousand dollars, and all provisions of law for the payment of any salary or compensation to such commissioners, or either of them, are hereby repealed.

Commis-
sioners of
pilots.

For completing the north side cut canal, as per chapter ninety-five of the Laws of eighteen hundred and fifty-

Side cut
canal.

six, the sum of eight thousand and seven hundred dollars, to be paid upon the certificate of the canal commissioners mentioned in said act, and the superintendent of the salt springs, out of the surplus moneys arising from the duties upon salt, said sum being the unexpended balance of the appropriation made for that purpose in eighteen hundred and fifty-seven.

V. W.
Smith.

To V. W. Smith, five hundred dollars, for services in revising the laws relating to the salt springs and the manufacture of salt, pursuant to chapter five hundred and seventy-eight of the Laws of eighteen hundred and fifty-seven, to be paid out of moneys arising from duties on the manufacture of salt.

Savings
banks, New
York and
Brooklyn.

For the expenses of the select committee appointed to examine into the condition of the savings banks in the cities of New York and Brooklyn, to be paid on the certificate of Elias Pond, the sum of fifty dollars.

R. F. Hicks

To Russell F. Hicks, the sum of three hundred and fifty dollars for expenses in the foreclosure of mortgages and collection of securities under his charge as acting clerk and clerk of the court of appeals, for the years eighteen hundred and fifty-six, eighteen hundred and fifty-seven and eighteen hundred and fifty-eight.

Erie canal
enlarge-
ment.

The sum of three thousand dollars, or as much thereof as may be necessary, is appropriated from any moneys applicable to the Erie canal enlargement for the purpose of making the old canal across the Cayaga marshes of the uniform depth of six feet.

Transporta-
tion, books,
&c.

For transportation of the session laws, journals and documents of the legislature, and reports and colonial history, and the expenses of boxes, fifteen hundred dollars.

H. C. Leslie

To Henry Clay Leslie, for four days' services preceding the organization of the present legislature in arranging books and papers in the assembly library, six dollars.

Firemen
state hall.

To the firemen employed at the state hall, two dollars per day during the sessions of the legislature, to be certified by the superintendent.

J. Garling-
house.

To Joseph Garlinghouse, janitor of the senate, for extra services in eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine, one hundred dollars.

G. R.
Waldron.

To George R. Waldron, in addition to the foregoing,

the sum of one hundred dollars as an extra allowance as librarian and for services rendered in copying papers for senators during this and the previous session.

To N. A. Finnegan, for extra services performed by him in the years of eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, two hundred dollars. N. A.
Finnegan.

To James Terwilliger, the sum of one hundred dollars for his services as clerk of the select committee of eight of the senate. J. Terwilliger.

To the assistant matrons at the state prison at Sing Sing, the sum of six hundred dollars, to be equally divided between them, to be paid upon the certificate of the warden or agent of said prison. Assistant
matrons
state prison

To Joel Y. Seaver, commissioner of the St. Regis Indians, for the services of himself and associates; under the provisions of chapter three hundred and sixty-eight of the Laws of eighteen hundred and fifty-eight, two hundred and fifty-seven dollars and ninety-eight cents. J. Y.
Seaver.

To Charles G. Fairman, for his services as clerk of the select committee of the senate, appointed to investigate the charges of the senator from the ninth district, and preparing the testimony taken before said committee for the printer, one hundred dollars. C. G. Fairman.

To E. H. Bender, for stationery furnished to the office of the treasurer, the sum of thirty-three dollars; for blank books and stationery furnished to the office of the auditor of the canal department, the sum of forty-two dollars and seventy-seven cents; for stationery furnished to the office of the state engineer and surveyor, the sum of one hundred and ninety-seven dollars and thirteen cents; for stationery furnished to the office of the secretary of state, the sum of four hundred, fifty-eight dollars and six cents; for stationery and binding for the office of the clerk of the court of appeals, the sum of five hundred, sixty-eight dollars and twenty-four cents; to be paid upon the certificate of the heads of the several offices, respectively. E. H.
Bender.

For compensation of the state assessors, and for traveling expenses (board excepted) necessarily incurred by them, under the provisions of the act by which they are appointed, four thousand dollars. State
assessors.

To George W. Blackstock, as chief clerk in the executive department, for additional compensation in the G. W.
Blackstock.

year eighteen hundred and fifty-seven, four hundred dollars.

Council of
revision.

For three hundred copies of the volume entitled "Vetoës of the Council of Revision, with biographical sketches of its members, by Alfred B. Street," the sum of nine hundred dollars; the said volumes to be used as exchanges for the state library, and to be paid for on delivery at the library, on the certificate of the board of regents of the university.

Patent
reports, &c.

For the continuance of the binding of patent reports and specifications, presented by the commissioners of patents of Great Britain, the sum of six hundred dollars, to be paid on the certificate of the secretary of the board of regents of the university.

W. C.
Little & Co.

To W. C. Little and Company for five copies of the Session Laws of the year one thousand eight hundred and fifty-eight, pursuant to resolution of the assembly, the sum of eleven dollars and seventy-five cents.

Ib.

To W. C. Little and Company, for thirty-one copies of the third volume of Parker's Criminal Reports, furnished to the regents of the university, the sum of one hundred and thirty-nine dollars and fifty cents.

Indexing
session
laws, &c.

For indexing the Session Laws and documents for the year eighteen hundred and fifty-nine, to be paid on the certificate of the secretary of state, when done to his satisfaction, three hundred dollars.

Banks and
Brothers.

To Banks and Brothers, for twenty-four copies of the Revised Statutes, furnished pursuant to resolution of the assembly, the sum of two hundred and ninety-two dollars and fifty cents; and for new books for the state exchanged with other states, by the regents of the university, pursuant to law, one hundred and five dollars and fifty cents.

Albany
Statesman.

To the proprietor of the Albany Statesman, for printing proclamations of the late governor of the state, as certified under date of the thirty-first day of December, one thousand eight hundred and fifty-eight, the sum of one hundred and eighty-four dollars and forty-five cents.

J. A. King

To John A. King, for balance of interest upon the amount advanced by him for the maintenance of the troops on Staten Island, the sum of three hundred and seventeen dollars and seventy-one cents.

J. S. Lynch

To James S. Lynch, for putting up eight sets of Per-

kins' steam heaters, at the asylum for insane convicts in the city of Auburn, the sum of eight thousand eight hundred dollars, to be paid on his executing a receipt in full in such form as the comptroller shall prescribe; provided, however, that the sum of forty-eight dollars due for the labor of convicts shall be reserved out of this amount, and the same paid over to the agent of the state prison at Auburn.

To the agent and warden of the state prison at Clinton, for plank to repair the plankroad extending from the Saranac plankroad to Clinton state prison, the sum of one thousand five hundred dollars.

Agent and
warden,
Clinton
prison.

To Stillman Foote, for services in examining and collating testimony, and for argument and expenses in the matter of the Ausable river claim and other claims, under chapter six hundred and forty-one of the Laws of one thousand eight hundred and fifty-seven, the sum of one hundred and ninety-five dollars and thirty-five cents.

Stillman
Foote.

For the increase of salary of the superintendent of the state lunatic asylum, the sum of three hundred and seventy-five dollars, and to Samuel Boom in full payment and satisfaction of a judgment recovered by him against the said superintendent, John P. Gray, for labor and services rendered the state, the sum of seventy-seven dollars and seventy-one cents, being the amount of the said judgments recovered and rendered on the sixteenth day of April, eighteen hundred and fifty-six, and the interest thereon at seven per cent per annum.

State luna-
tic asylum.

To Elias W. Leavenworth, for arrears due him on the payment for lands sold to the state, the sum of fifty-six dollars and eighty-three cents.

E. W.
Leaven-
worth.

To James E. Van Steinburg, in full, for making transcripts from the books on the bank of Fishkill, to be used as evidence in the action in the supreme court of The People against Munson I. Lockwood and others, and for attendance as a witness before the referee, in addition to the compensation heretofore allowed for such attendance, the sum of thirty dollars.

J. E. Van
Steinburg.

To W. C. Little and Company, for books furnished for the attorney-general's law library, the sum of two hundred and forty-five dollars; for session laws, etc., furnished to the secretary of state, the sum of fifty-eight dollars.

W. C. Lit-
tle & Co.

Albany
Evening
Journal

To the proprietors of the Albany Evening Journal for publishing proclamations ordered by Governor King, the sum of sixty-nine dollars and thirty cents.

Weed,
Parsons
& Co.

To Weed, Parsons and Company, for printing and binding furnished for the office of the state treasurer, sixty dollars and seventy-five cents.

J. Young.

To Jacob Young, for services rendered to the commissioners appointed to investigate the "pecuniary affairs and condition of the state prisons," in eighteen hundred and fifty-four, as certified by Thomas Kirkpatrick, the sum of thirty-five dollars.

Commissary-general.

To the commissary-general, to pay bills incurred in his department prior to the twentieth of February, one thousand eight hundred and fifty-nine, the sum of ten thousand dollars, or so much thereof as may be necessary to pay such outstanding bills as he may deem just claims against his department.

Trustees
state library

To the trustees of the state library, for the expense of cleaning, collating and arranging the manuscripts of Sir William Johnson, now deposited in the library, three hundred dollars.

Commissary-general.

To the commissary-general, to defray the current expenses of his department for the balance of the fiscal year ending on the thirtieth day of September, one thousand eight hundred and fifty-nine, the sum of ten thousand dollars, the appropriation for the current fiscal year having been entirely exhausted prior to the twentieth day of February, one thousand eight hundred and fifty-nine.

Pay of
troops at
Quarantine.

For the pay of the troops ordered into actual service at quarantine ground on Staten Island and for transportation of baggage, rent of buildings, military stores and labor performed, and materials and stores furnished to and for said troops, the sum of forty-two thousand four hundred and thirty-three dollars and twelve cents in addition to any sum heretofore appropriated; but no portion of such money shall be disbursed except upon the joint certificate of the adjutant-general, the commissary-general and the inspector-general, and they or a majority of them shall personally examine all claims presented to them, and the accompanying vouchers, and neither they nor any of them shall sign any certificate in blank or without examining the vouchers. They shall

not allow any claim for military services for a greater amount than the law requires, nor shall they allow for services, materials or supplies a larger price than the same were fairly worth at the time when they were rendered or furnished. They shall not allow any claim unless it shall be proved to them that the services were actually rendered or the materials or supplies were actually furnished upon the prior order of some person authorized to give such order; and they, or some one or more of them, shall examine under oath, all persons presenting claims for supplies or materials furnished, and may so examine all other claimants; for this purpose they are hereby authorized to administer oaths, and false swearing before them, or any of them, is hereby declared to be perjury, punishable as such.

To reimburse the appropriation for the year one thousand eight hundred and fifty-eight, for costs of suit, the amount advanced in the case of the people against Thomas Walker and Ralph Lester, trustees, etc., the sum of five hundred and sixteen dollars and fifty-four cents, to be paid from the bank fund on the certificate of the superintendent of the banking department.

Certain
suits, &c.

For the erection or enlargement of shops and store-rooms at the state prison at Auburn, the sum of four thousand dollars, or so much thereof as may be necessary to comply with the requirements of the contract made October twentieth, one thousand eight hundred and fifty-eight, for the manufacture of agricultural implements, to be expended under the direction of the agent and warden, and to be accounted for as now required by law.

Shops, &c.,
at Auburn
prison.

To Nathan Bristol, George H. Boughton and Harvey Kidd, commissioners to examine the public accounts, in full, for all services rendered pursuant to chapter five hundred and ninety-two of the Laws of one thousand eight hundred and fifty-seven, and the concurrent resolution of the senate and assembly, passed on the fourteenth day of April, one thousand eight hundred and fifty-eight, the sum of nine hundred and forty dollars.

Commis-
sioners on
public
accounts.

To the superintendent of public instruction, for expenses to his department, under part one, title two, article one, chapter fifteen, section ten of the Revised Statutes, the sum of three hundred dollars.

Superinten-
dent public
instruction.

**C. E.
Huxley.**

To Charles E. Huxley, for services as clerk in the office of the adjutant-general, the sum of seven hundred dollars.

**Inspector-
general.**

To the inspector-general, for deficiency of salary for the current fiscal year, caused by the exhaustion of the appropriation prior to the first day of January, one thousand eight hundred and fifty-nine, the sum of one thousand dollars.

O. Walker.

To Calvin Walker, for balance due for services rendered and disbursements by him, in the case of Van Tuyl, under appointment of the governor, made in pursuance of the provisions of the act of May tenth, one thousand eight hundred and forty, entitled "An act more effectually to protect the free citizens of the state from being kidnapped or reduced to slavery," the sum of three hundred and thirty dollars and ten cents, being a balance due, and to be in full.

T. S. Gillett

To T. S. Gillett, for compiling and superintending the publication, and for the printing and binding of five hundred copies of an index of the laws of the state, to and including the year one thousand eight hundred and fifty-seven, for the legislative libraries and for distribution to the county clerks' offices, pursuant to a resolution of the senate, passed April tenth, one thousand eight hundred and fifty-seven, the sum of three thousand five hundred dollars, and including, as part of such sum, fifteen hundred and twenty-seven dollars and seventy-two cents, for such printing and binding, and fifty copies of the above work to be furnished to the regent of the university for exchanges.

**Jesse
Mitchell
(widow.)**

To the widow of Jesse Mitchell, sergeant-at-arms of the special committee of the senate to investigate the affairs of the metropolitan police commissioners, three dollars per day of actual service, to be certified by the chairman of that committee.

**J. Tarbell
and S. D.
Backus.**

To J. Tarbell and S. D. Backus, in full, for services rendered and expenses incurred by them, as commissioners to settle the disputed boundary between this state and Connecticut, the sum of two thousand one hundred and thirty-five dollars and seventy cents, of which one thousand two hundred and fifty-three dollars are to be paid to J. Tarbell, and eight hundred and fifty-two dollars and seventy cents to S. D. Backus; the same to be

paid only on their giving a receipt in full, releasing the state from all claims, and on their exhibiting to the comptroller satisfactory proof that they have discharged all outstanding just claims for moneys alleged to have been borrowed by them on account of said commission.

For work done and supplies furnished on account of which has been delivered to Edward Hall, superintendent of the state lunatic asylum for insane convicts in the city of Auburn, for said asylum, the following sums to the persons hereinafter mentioned, in full of their demands therefor, viz.: To J. Ives Parsons, the sum of two thousand one hundred and thirty-one dollars and eighteen cents; to the Auburn Gas Light Company, the sum of six hundred and thirty-six dollars and ten cents; to William Howe, the sum of six hundred and sixty-seven dollars and eighty-seven cents; to Stewart and Kennedy, the sum of four hundred and ninety-four dollars and forty-five cents; to Baldwin and Company, the sum of one thousand three hundred and seventy-seven dollars and five cents; to Sheldon and Company, the sum of eight hundred and forty-two dollars and eighty-four cents; to M. Hamlin, the sum of one hundred and twenty-five dollars; to John Curtiss, the sum of forty-six dollars and fifty-seven cents; to C. Eugene Barber, the sum of eight hundred and seventy-nine dollars and ninety-two cents; to L. E. Barnes, the sum of one thousand and thirty-three dollars and ninety-five cents; to Brown and Lee, the sum of two hundred and sixty-four dollars and fifty-one cents; to Z. M. Mason, the sum of one hundred and seventy-eight dollars and ninety-four cents; to Harbottle and Smith, the sum of three hundred and sixty-three dollars and two cents. To be used in the completion of the state lunatic asylum for insane convicts, situated in the city of Auburn, the sum of seven thousand dollars.

Supplies to
asylum of
insane con-
victs, &c.

To Richard U. Sherman, in full, for preparation, and for the past and future use by the state, of the "Manual of rules, forms and laws, for the regulation of business in the assembly," etc., the sum of one thousand dollars; provided that such sum is accepted as in full of all claims against the state, upon the assignment to the state of the copyright thereof.

R. U.
Sherman.

A. T. Wood To Anthony T. Wood, for extra services in the office of the clerk of the court of appeals, from the first day of January, one thousand eight hundred and fifty-seven, the sum of three hundred dollars.

Repairs on capitol. To make such repairs upon the capitol as the trustees thereof shall deem necessary and expedient, the sum of five thousand dollars.

Commissioners Montezuma salt springs To J. S. Clark and William H. Carpenter, commissioners under the act of the legislature to develop the Montezuma salt springs, for services rendered and expenses incurred, as certified by them, to the said Clark the sum of nine hundred and forty-seven dollars and ninety-six cents, and to said Carpenter the sum of one hundred and eight dollars and eighty-six cents, to be paid out of the moneys arising from duties on the manufacture of salt, the said account to be audited by the comptroller.

C. Ten Broeck. To Cornelius Ten Broeck, deputy treasurer, in addition to salary, as extra compensation of five hundred dollars, to be paid from the bank fund.

W. D. Murphy. To William D. Murphy, for services as clerk of the standing committee on public buildings in the senate, from the fourth day of February, one thousand eight hundred and fifty-nine, till the fifth day of March following, the sum of two dollars per day of actual service, and such further compensation as counsel as shall be certified by the chairman of said committee to be correct, not exceeding for the whole of the services as clerk and counsel, the sum of two hundred and fifty dollars.

Deputy secretary of state. To the deputy secretary of state, for additional compensation, as clerk to the commissioners of the land office, the sum of one hundred and eighty-seven dollars and fifty cents.

H. C. Wetmore. To Henry C. Wetmore, the same compensation per day, and mileage, as is allowed to other members of the senate; such pay to commence with the beginning of the present session of the legislature.

Ib. To Henry C. Wetmore, for counsel fees and expenses attending contested seat in the eleventh senatorial district, five hundred dollars.

W. G. Mandeville. To William G. Mandeville, for counsel fees and expenses attending contested seat in the eleventh senatorial district, five hundred and fifty dollars.

To the widow of Horatio J. Stow, late senator of the twenty-ninth senatorial district of this state, the sum of three hundred dollars. H. J. Stow.

To D. A. Manning, for service as clerk and stenographer to the committee of the senate for the investigation of the claim of Henry C. Wetmore to represent the eleventh senatorial district, two hundred and fifty dollars. D. A. Manning,

For expenses incurred by the select committee, appointed by the senate, April thirteenth; eighteen hundred and fifty-eight, to investigate the affairs of the metropolitan police, three thousand one hundred and seventy-three dollars and thirty-six cents, to be paid to the several persons entitled to the same, upon the certificate of the said committee. Select committee on metropolitan police.

For deficiency in the appropriation for furniture, books, binding, blanks, printing and other expenses, for the attorney-general's office, five hundred dollars. Deficiency for furniture, &c.

For deficiency in the annual appropriation for expenses of the state hall, for repairs, gas, cleaning, labor, superintendent's compensation, viz.: To pay expenses already incurred, five thousand nine hundred and ninety-eight dollars; to pay expenses which may be incurred during the remainder of the fiscal year, three thousand dollars. Expenses state hall, &c.

The sum of six hundred dollars is hereby reappropriated to the heirs of Henry Satterlee, pursuant to chapter one hundred and seventy-eight, Laws of eighteen hundred and fifty-six. Henry Satterlee.

The comptroller is hereby authorized to transfer from the general fund revenue to the general fund debt sinking fund the sum of four hundred and eighty-eight thousand six hundred and seventy-four dollars and forty-seven cents, being the amount advanced from the treasury for deficiency in said sinking fund on the thirtieth of September, eighteen hundred and fifty-eight. Deficiency in sinking fund.

No warrant shall be issued by the comptroller for any moneys hereby appropriated, without a detailed account being presented (except for salaries fixed by law, and for amounts herein particularly specified), and verified by affidavit presented to the comptroller, of the party presenting such account, and whenever any sum is appropriated for travel or traveling expenses, such travel No warrant shall issue, &c.

shall be specified by showing the distance traveled, from what place to what place, and on what duty or business, and the date, and the items of expense, shall in like manner be given; and no sum shall be included in such travel or expense unless the money was actually paid by the party claiming the same. On all accounts for transportation, stationery and other expenditures when bills can be procured, receipted bills shall accompany such accounts. The treasurer shall annually report at length to the legislature the detail of all such expenditures.

§ 2. This act shall take effect immediately.

Chap. 509.

AN ACT to incorporate "The Port Morris Land and Improvement Company."

Passed April 19, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Body
corporate.

SECTION 1. That Gouverneur Morris, of Morrisiana, and such persons as he may associate with him, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "The Port Morris Land and Improvement Company."

May take,
hold and
purchase
real estate.

§ 2. Said company are hereby authorized and empowered, in their corporate name, to purchase, hold, lease and convey any real and personal estate, whatever, including docks, land under water, and rights and franchises therein, which may be necessary to enable the said company to carry on their operations, such real estate so to be held by them not to exceed two hundred acres of land, and to be situate in the town of Morrisiana aforesaid, and to erect buildings, reclaim, fill in, grade, dock, regulate or otherwise improve such lands, water privileges and other property, and otherwise use the same, as may be of most advantage and profit to them; and said company shall have the right to collect, receive, demand and sue for all wharfage, dockage and cranage

which may be levied upon any wharf, dock, pier, slip or bulkhead erected or owned by them upon or adjoining said land, and in sales made by them may receive their own stock at its par value in payment therefor until said stock shall be reduced to one hundred thousand dollars; such stock to be canceled as received.

§ 3. The capital stock of said company shall be five hundred thousand dollars; such stock to be divided into shares of one hundred dollars each. Said company shall have a corporate existence for the term of twenty-five years. Capital stock.

§ 4. The stock, property and concerns of such company shall be managed by five directors, who shall, except for the first year, be annually elected by the stockholders, in such manner as shall be provided for by the by-laws of the company. Directors.

§ 5. In case it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws of said company when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for directors, in such manner as shall be provided for by the said by-laws; and all acts of directors shall be valid and binding, as against such company, until their successors shall be elected. Failure to hold election, not to dissolve company.

§ 6. There shall be a president of the company, who shall be designated from the number of the directors, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company by its by-laws may require. President.

§ 7. The stockholders of such company, by majority vote, shall have power to make such by-laws as they shall deem proper for the management and disposition of the stock and business affairs of such company. By-laws.

§ 8. The stock of such company shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws; but no shares shall be transferable until the previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon. Stock to be deemed personal estate.

§ 9. Each stockholder of this company shall be indi- Liability of

stockholders.

vidually liable to the creditors thereof to an amount equal to the amount unpaid on the stock held by him, for all the debts and liabilities of such company, until the whole amount of such capital stock so held by him shall have been paid to the company; and all the stockholders of such company shall be jointly and severally liable for all the debts due or owing to any of its laborers and servants for services performed for such corporation, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against said corporation, and then the amount due on such execution shall be the amount recoverable with costs against such stockholder.

To make report.

§ 10. Said company shall annually, in the month of January, make a report, which shall be published in a newspaper published in Westchester county, nearest to their place of business, which shall state the amount of their capital, the proportion actually paid in, the amount of its existing debt; the amount of stock paid in and canceled, with the numbers of the certificates canceled; which report shall be signed by the president and a majority of the directors, and verified by the oath of the president or secretary of the company, and filed in the office of the clerk of Westchester county; and if said company shall fail so to do, all the directors of the company shall be jointly and severally liable for all the debt of the company then existing, and for all that shall be contracted before such report shall be made.

Penalty for declaring dividends in certain cases.

§ 11. If the directors of this company shall declare and pay any dividend without having the cash in hand, duly earned, to pay the same, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall hereafter be contracted while they shall respectively continue in office; provided that if any of the directors shall object to the declaring of such dividend or to the payment of the same, and shall at any time before the time fixed for the payment thereof, file a certificate of their objection, in writing, with the clerk of the company, and with the clerk of Westchester county, they shall be exempt from such liability.

Payments of capital stock to be in money.

§ 12. Nothing but money shall be considered as payment of any part of the capital stock, except that the

directors of such company may purchase lands, docks, water rights, land under water, with their improvements, and other property necessary for their business, and issue stock to the amount of the value thereof, in payment therefor, and the stock so issued shall be declared and taken to be full stock and not liable to any further calls; neither shall the holders thereof be liable for any further payments thereon; but in all statements and reports of the company to be published, this stock shall not be stated or reported as being issued for cash paid into the company, but shall be reported in this respect according to the fact, and no loan of money shall be made by such company to any stockholder therein, except on mortgage upon property sold by said company to him, not exceeding two-thirds of the purchase price thereof; and if any such loan shall be made to a stockholder, the officers who shall make it or who shall assent thereto, shall be jointly and severally liable to the extent of such loan, and interest for all the debts of the company, contracted before the repayment of the sum so loaned.

§ 13. No person holding stock in any such company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company; but the person pledging such stock shall be considered as holding the same and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been if he had been living and competent to act and hold the same in his own name.

Persons holding stock in trust, not liable as stockholder

§ 14. Every such executor, administrator, guardian or trustee shall represent the shares of stock in his hands, at all meetings of the company, and may vote accordingly as a stockholder, and every person who shall pledge his stock as aforesaid, may, nevertheless, represent the same at all such meetings, and may vote accordingly as a stockholder.

Stock, how represented

§ 15. If the indebtedness of this company shall at any time exceed the amount of its cash assets, the directors of such company assenting thereto shall be personally and

Indebtedness of company not to exceed assets.

individually liable for such excess, to the creditors and others, stockholders of such company.

Stockholders not liable in certain cases.

§ 16. No stockholder shall be personally liable for the payment of any debt contracted by such company which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt shall be brought against such company within one year after the debt shall become due, and no suit shall be brought against any stockholder for any debt so contracted until an execution against the said company shall have been returned unsatisfied, in whole or in part, nor unless the same shall be commenced within three months from the return of such execution.

List of stockholders to be kept.

§ 17. It shall be the duty of the directors of said company to cause a book to be kept by an officer thereof, containing the names of all persons, alphabetically arranged, who are or shall, within six years, have been stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of shares, and the amount of stock actually paid in, which book shall, during the usual business hours of the day, on every day except Sundays and the fourth of July, the twenty-fifth day of December and the first day of January, be open for the inspection of stockholders and creditors of the company and their personal representatives, at the office or principal place of business of said company, in Westchester county, and any and every such stockholder, creditor or representative shall have a right to make extracts from such book; and no transfer of stock shall be valid for any purpose whatever except to render the person to whom it shall be transferred liable for the debts of the company, according to the provisions of this act, until it shall have been entered therein, as required by this section, by an entry showing to and from whom transferred. Such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against such company or against any one or more stockholders. Every officer or agent of said company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same or allow the same to be inspected and extracts to be taken therefrom, as provided by this sec-

tion, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all damages resulting therefrom; and if said company shall neglect to keep such book open for inspection, as aforesaid, it shall forfeit to the people the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the people, by the district attorney of Westchester county, and when so recovered the amount shall be paid into the treasury of such county for the use thereof.

§ 18. The corporation hereby created shall possess the general powers and privileges and be subject to the liabilities and restrictions contained in title third of chapter eighteen of the first part of the Revised Statutes.

Powers and
privileges.

§ 19. This act shall take effect immediately.

Chap. 510.

AN ACT to incorporate the New Brighton Fire Engine Company number four, in Richmond county.

Passed April 19, 1859.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Edward Riley, Thomas Howarth, George Burton, Silas N. Burrows, Patrick O'Hare, Daniel O. Bowman, Michael Donovan, Thomas Brady, William Blane, Patrick Fetherston, James Dowd, John Gallagher, Richard Dewhurst, John Henderson, Benjamin Peterson, Thomas Fetherston and William Morris are hereby constituted a body corporate, by the name and description of the New Brighton Fire Engine Company, number four, and by that name they and their successors shall and may have perpetual succession, and shall be, as such body corporate, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, whatsoever; and also they and their successors, as such body corporate, shall be in

Names of
corporators.

law capable of purchasing, holding and conveying any and all personal estate necessary for the purpose of extinguishing fires, and any and all real estate necessary for the preservation of all engines, tools and implements of the said corporation, to the amount of ten thousand dollars.

May make
and estab-
lish by-laws

§ 2. The said corporation shall have full power to make and establish such by-laws, rules and regulations as they, from time to time, shall think proper, as to their officers, the time, place and manner of electing them, and as to the period of their continuance in office, and as to their powers and duties; also as to the election of members, and as to their government with and in regard to all the purposes for which the said body corporate is constituted.

Firemen.

§ 3. The said corporation shall have full power and authority to nominate and appoint a sufficient number of firemen (willing to accept), which said number shall not exceed sixty; which said firemen, so appointed, shall have the care, management, working and using of all the apparatus and implements belonging to the said corporation, and shall be ready at all times to assist in extinguishing fires.

Removal.

§ 4. The said corporation shall have full power, under their laws and regulations aforesaid, to remove any fireman so appointed as aforesaid, when and as often as they shall think proper, and also to fill all vacancies which, from time to time, shall in any wise occur.

Exemption.

§ 5. Each and all of the persons, so to be appointed firemen as aforesaid, who shall serve as such firemen, shall be, during such service, exempt from serving as a juror in the county in which such service shall be rendered; and from military duty, except in case when the militia are ordered into active service.

§ 6. This act shall take effect immediately.

Chap. 511.

AN ACT for the protection of deer and other game.

Passed April 19, 1869 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No person shall, within this state, kill any wild deer, partridge, quail, woodcock or snipe at any time during the months of February, March, April, May, June or July.

When game may not be killed

§ 2. Every person who shall expose for sale any green deer skin or fresh venison, or who shall have the same in his custody, at any time during the months so specified in the first section of this act, shall be deemed to have violated the same, unless he shall show that he came in possession of the same lawfully, and without being accessory to the violation of any of the provisions of this act.

Persons having venison, &c., in custody, deemed guilty of violation.

§ 3. Whoever shall offend against the provisions of this act shall, for each offense, forfeit the sum of twenty-five dollars.

Penalty.

§ 4. Nothing in this act shall be so construed as to apply to common carriers or their agents who shall, in the discharge of their business as such, transport any deer or game during the above inhibited period ; nor shall any person or persons prosecuted under any of the provisions of this act, be adjudged guilty of violating the same, if he or they shall prove that the game in question, in such proceeding, was game of any other state, or any foreign country, or that if game of this state, the same was actually killed, or taken before the commencement of the inhibited period hereinabove provided in respect thereof.

Exception.

§ 5. All penalties imposed by this act may be sued for and recovered with the costs of such suit, before any justice of the peace in this state, by or in the name of any such person making complaint thereof, or by one of the superintendents of the poor of the county where such offense shall be committed ; and if sued in the name of any such superintendent, the penalty, when collected, shall be paid one-half to the complainant and one-half to the superintendent, for the use of the poor of the county.

Penalties, how recovered.

§ 6. No person shall take any speckled or brook trout,

Speckled trout.

stockholders residing in any other county or place, to be inclosed in an envelope and directed to the stockholder, at his place of residence, at least twenty days before such stock shall be forfeited.

First
directors.

§ 7. The persons named in the first section shall be the first directors, and shall hold their offices until Tuesday next after the first Monday of April, eighteen hundred and sixty, and until others are elected or chosen in their places; and in case of vacancy in the direction, by reason of the death, resignation or removal from the state of any director, or of his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors at the first election, after which the stockholders shall choose three inspectors at their annual elections of directors. If no inspectors shall be elected by the stockholders, or if, after having been elected, they or any of them be unable or unwilling to discharge their duties, at the time and place of the election next ensuing, it shall be the duty of the directors to appoint them. If, at any time, an election of directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved; but an election may be held on any other subsequent day, provided, however, that it shall not be held until after the publication of the notice provided for in the fourth section of this act. The directors may prescribe the duties of all officers appointed by them; may require from them good and sufficient official bonds and sureties conditioned for their faithful performance of such duties, and for their accounting for and payment over to said company, or the proper officers thereof, of all moneys of the company which shall come into their hands; and may remove them from such offices, and fill all vacancies in such offices which shall occur by death, resignation or removal, from time to time, at any regular meeting of the board of directors, held in conformity with the by-laws of the company.

Real estate
may be
purchased.

§ 8. For the purpose of supplying the said city of Auburn with pure and wholesome water, the said company may purchase, take and hold any real estate within the city of Auburn, and towns of Fleming and Owaseo, and by their directors, officers, agents, servants, work-

men or other persons employed, may enter upon the lands of any and every person or persons in said city or towns which may be necessary for said purpose, and may take the water from any springs, ponds, fountains, rivers, creeks, brooks or streams in, or flowing into or through any part of said city, and appropriate, divert from their present beds, courses or channels, and convey the same to any ward, district or part of said city; and for that purpose said company may purchase, manufacture, construct and build any dam, bulkhead, water-gate, flume, raceway, hydraulic machinery, pump-house, well, cistern or reservoir upon, and may lay, connect, adjust and repair any aqueduct, conduit or pipes which may be necessary for the purposes of said water works, upon or through any of the lands so entered upon, purchased, taken or held. Said corporation may, for the purposes aforesaid, also enter upon any lands, streets, highways, roads, lanes or public squares through which they may deem it proper to convey the water from said springs, ponds, fountains, rivers, creeks, streams, wells or reservoirs, and lay, connect, adjust and repair any aqueduct, conduit or pipe, or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, as nearly as may be, as they were before said entry; provided, however, the said company shall not, within the bounds of the city of Auburn, lay any of their main conduits or pipes through any private garden, court-yard or building lot, without the written consent of the owner or owners thereof.

§ 9. Before entering, taking or using any land for the purposes of this act, the directors of this company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of each owner or occupant intended to be taken or used shall be designated, and which map shall be signed by the engineer or surveyor making the same, and by the president of said company, and be filed in the clerk's office of the county of Cayuga. The company, by any of its officers, agents or servants, may enter upon any lands for the purpose of making any surveys and examinations, doing no unnecessary damage.

Surveys
and maps
to be made.

§ 10. In case the said company are unable to agree with any of the owners or occupants of any of the land or water intended to be taken and used for the purposes

In case of
this agree-
ment com-
missioners

to be appointed.

Notice to be given.

May issue subpoenas and hear testimony.

aforesaid, for the purchase thereof, the directors may apply to the supreme court, at any term or session thereof, held in the seventh judicial district, for the appointment of three commissioners, by whom the compensation to be paid for the damages suffered or to be suffered, sustained or to be sustained by any person or persons, by reason of the taking and using thereof by said company, and constructing any of the works of the company thereon, shall be ascertained, appraised and determined; and in case of the death, resignation, refusal or disability to act of said commissioners, the said court may, on like application, appoint another or others to act in their places; and it shall be the duty of said supreme court to entertain and hear said applications, and to appoint such commissioners as may be necessary to enable the company to obtain the water and lands which may be necessary for their purposes. Before the commissioners so appointed shall proceed to make any appraisal and determination of damages under this act, they shall cause a notice, of at least ten days, of the time and place of their meeting for that purpose, to be served upon such of the owners of the said water, water rights, and land, as can be found within this state, which notice shall be served personally, or in case of their absence from their dwellings or places of business, by leaving the same thereat with some person of suitable age and intelligence to know its import; and in case of any legal disability of any such owner to act for himself or herself, then such notice shall be served in like manner upon his or her guardian, or person appointed to act for him or her, as hereinafter directed; and in case any of said owners cannot be found in this state, such notice shall be given by publishing the same for six weeks successively in two newspapers published in said city; and if any of said owners shall be married women, infants, insane persons or idiots, the said court shall, on application of said company, or next of kin to said married women, infants, insane persons or idiots, appoint some suitable person to attend in their behalf before said commissioners, and take proper care of their interests in the premises. The commissioners so appointed may, on the application of either party, issue subpoenas to compel the attendance of witnesses to testify before them, and either one of them shall have

power to administer the usual oath to such witnesses. They shall view the premises, and hear the testimony of witnesses produced by the respective parties before them, and shall appraise and determine the said damages according to the best of their judgment, or the judgment of a majority of them, upon the whole case presented; and they, or a majority of them, shall thereupon make and subscribe a written report of their appraisal and determination, showing the sum awarded by them to each of said owners, and return the same to the said court to be filed. The company shall pay to each commissioner the sum of three dollars per day, for every day necessarily devoted by him in the performance of his duties under this act, and to such witnesses, necessarily subpoenaed to attend the commissioners, the sum of fifty cents per day, and four cents per mile for travel to and from the place of meeting of the said commissioners.

Compensation.

§ 11. Either party may appeal to the supreme court of the seventh judicial district, from any appraisal and determination of the commissioners, provided the party appealing shall, within ten days after any such appraisal and determination shall be made and filed, give notice in writing of the appeal to the other party or parties interested in the same; and the said court shall, at any circuit or special term thereof, upon the report of said commissioners, and such additional testimony as shall be offered in the case, proceed without delay to pronounce a judgment, affirming or modifying the determination of the commissioners, or if it shall appear that the proceedings before the commissioners have been irregular, to set the same aside and direct a re-appraisal; and the said court may make such orders concerning the proceedings of the commissioners, and the notices to be given to parties in interest, in water or lands to be appraised, not inconsistent with this act, as the nature of the case and the ends of justice shall require.

Appeals may be taken.

§ 12. Upon the payment or legal tender of the compensation determined and awarded by the said commissioners, or (in cases appealed) by the said court, the said company shall be authorized to enter upon and take, for the purposes contemplated by this act, all the waters, lands and real estate for which said compensation shall be paid or tendered as aforesaid, and to hold and use the same for the said purposes, to them and their successors

After payment of award, company may enter premises.

forever. If any person to whom any compensation shall be awarded, or who shall be entitled thereto, cannot be found, or shall refuse to receive the sum so awarded, then the said payment may be made by depositing the same with the clerk of the county of Cayuga, who shall be responsible therefor. If the person to whom compensation shall be awarded, or who shall be entitled to receive the same, be at the time under any legal disability, payment may be made to his or her lawful guardian or trustee, or, if there be none, then to such person as shall be designated by said court.

May hold,
in fee sim-
ple, all
lands,
waters, &c.,
which they
may acquire

§ 13. The said company shall be authorized to hold in fee simple, for the purposes contemplated by this act, all the waters, lands and real estate which they shall in any manner acquire, enter upon and take by virtue of this act, to them and their successors forever.

Company
opening
streets to
conform to
regulations
relative to

§ 14. Whenever the said company shall break or disturb any street, or sidewalk in the city of Auburn, for the purpose of laying, connecting or repairing any conduit or pipe of said company therein, they shall conform to such regulations respecting the time and manner of opening and closing the breaches and the restoration of the same to its former condition, as near as may be, as the common council thereof may prescribe.

By-laws
rules and
regulations.

§ 15. The directors of said company shall have power to make and establish all necessary by-laws, rules and regulations for the preservation and protection of their works, and every part thereof, for the use of by patrons and customers, and for the prevention of waste of the water in or derived from their works, and may impose, sue for and collect penalties and forfeitures for any violation of said by-laws, rules and regulations, provided such penalty for a single violation shall not exceed five dollars; which penalty may be recovered, with costs, in the name of the company, before any justice of the peace of said city. Said rules and regulations shall be published for three weeks, successively, in two newspapers published in said city. A copy of said by-laws, rules and regulations, certified by the secretary of the said company, and affidavits of the publication of the same in the manner provided in this section, made by one of the publishers of said newspapers, or by one of the foremen in their respective offices, shall be received

To be pub-
lished.

as evidence of the making, establishment and existence of said by-laws, rules and regulations, in all courts and places.

§ 16. The governor, lieutenant-governor and controller of the state may, in their discretion, make a contract with said company to supply the state prison and lunatic asylum for insane convicts with water, on such terms as they shall deem for the best interests of the state, not exceeding ten years, at Auburn. The said company shall furnish water also to the city of Auburn, for the purpose of supplying the public reservoirs and hydrants and for extinguishing fires, upon such terms as may be agreed upon between them and the common council of said city; and if they are unable to agree upon the amount of compensation to be paid by said city, it shall be lawful for either said company or the corporate authorities of said city to apply to the supreme court in the seventh judicial district for and obtain the appointment of three commissioners, as provided by section ten of this act, to fix and determine the same, subject to an appeal by either party to said court, at a circuit or special term thereof, in the same manner as is provided in section eleven of this act. Any agreement on the part of said common council, or determination by such commissioners, or (if the matter have been appealed) the court, shall be obligatory upon said city and the said company for the term of five years from the date of said agreement or determination, for the supply of water therein specified, unless sooner revoked by the parties: provided, always, that nothing herein contained shall be construed to authorize the common council of said city to agree to pay to said company, for the purposes aforesaid, any sum or sums of money, annually, which said common council are not or shall not be authorized by the charter of said city to levy and raise by tax for such purpose.

§ 17. The said company shall have competent authority to make and enter into any agreement, contract, grant and lease, for the sale, use and distribution of water, monthly, quarterly, annually or for a term of years, not exceeding twenty, that may be negotiated with any individuals, firms, associations and corporations, residing or owning property, or doing business within said city; which agreements, contracts, grants and leases shall be valid and effectual in the law.

State officers may contract with company to furnish prisons and lunatic asylum with water.

To furnish water to city of Auburn.

May make and enter into agreements relative to sale and distribution of water.

Willful
injury to
property
declared a
misdemean-
or.

§ 18. Any person who shall maliciously or willfully injure or destroy any of the works or property of said company, or who shall willfully or maliciously commit any act which shall injuriously affect or tend so to affect the water of said company, shall be guilty of a misdemeanor.

Liability of
subscribers.

§ 19. Each and every of the subscribers to the stock of this company shall be liable, in case of non-payment of any installment thereof, duly called for by the directors, to an action therefor, brought in any competent court, in the name of the said "The Auburn Water Works Company," and in cases where any sum whatever shall be recovered of a subscriber, by said company, for indebtedness on his or her subscription, the plaintiffs shall be entitled, in addition, as against the defendant in the action, to the taxable costs in such cases.

Li. of stock-
holders.

§ 20. Each and every stockholder of the company hereby created shall be severally individually liable to the creditors of said company, to an amount equal to the amount of stock held by them, respectively, for all debts and liabilities incurred by the directors, until the whole amount of the capital stock fixed and called for by the directors shall be paid in, and a certificate thereof shall be made and filed in the office of the county clerk of Cayuga county, as herein provided, except as provided in the next section of this act. Whenever it shall appear to the directors that all the installments of the capital stock, as fixed by them, and called for by resolution, shall have been paid in, it shall be the duty of the president and secretary of said company to make, subscribe and verify a certificate of the amount of said capital stock, fixed and paid in as aforesaid, and file the same, within thirty days thereafter, in the office of the said county clerk.

Stockhold-
ers liable
for wages of
employees.

§ 21. The stockholders of said company shall be jointly and severally liable for the wages of all their mechanics, laborers and servants employed in the construction of said water works during the period of said construction, provided such mechanics, laborers and servants shall indicate their intention to look to the stockholders for such payment, by a written notice of such intention, served upon the particular stockholder or stockholders whom he or they intend to hold responsible for such payment, within thirty days after the time of the commencement of the labor for which the wages shall be claimed.

§ 22. No stockholder of said company shall be personally liable for any debt, unless a suit for the collection of said debt shall have been first brought against said company, within one year after the said debt become due, and prosecuted to judgment, and an execution thereon shall have been returned unsatisfied in whole or in part; but whenever any stockholder of said company, who shall be liable for any debt of said company, shall sell and transfer his stock on the books of the company, he shall cease to be liable for any such debt after one year from the time of such sale and transfer, unless a suit therefor shall have been previously commenced by the creditor to whom such debt shall be owing.

Stockholders not liable unless suit is first brought.

§ 23. No person holding stock in said company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of said company, but the person pledging said stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such fund, would have been if he or she had been living and competent to act, and held the stock in his or her own name. Every such executor, administrator, guardian or trustee shall represent the shares of stock owned by him as such administrator, guardian or trustee, at all meetings of the company, and may vote as a stockholder; and every person pledging his stock as aforesaid may in like manner represent the same and vote accordingly.

Persons holding stock in trust, not personally liable as stockholder

§ 24. The said company are hereby authorized to borrow to the extent of one-half of the amount of the capital thereof, as the same shall be determined upon by the directors from time to time, within the amount of capital limited by this act, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of said bonds, or of any debt contracted by the company in the prosecution and completion of their works; and the directors may confer upon the holder of any bond issued for the money borrowed as aforesaid the right to convert the principal due or owing thereon into the stock of said company, at any time not exceeding ten years from the

May borrow money.

date of the bond, under such regulations as the directors may see fit to adopt.

Indebted-
ness not to
exceed 75
per cent of
capital
stock.

§ 25. The indebtedness of said company shall not at any time exceed seventy-five per cent of the amount of its capital stock, as the same shall have been fixed by the directors; and if the directors shall contract or incur indebtedness for and in behalf of said company beyond that amount, they shall be personally and individually liable to the creditors of said company for the excess.

Powers and
liabilities.

§ 26. The corporation hereby created shall possess the powers and be subject to the provisions of title three of chapter eighteen of the first part of the Revised Statutes.

§ 27. This act shall take effect immediately.

Chap. 513.

AN ACT to authorize the canal board to settle the contract of Charles H. Moore and company, contractors upon the Erie Canal enlargement.

Passed April 23, 1859 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Facts and
circumstan-
ces to be
inquired
into.

SECTION 1. The canal board shall inquire into the facts and circumstances connected with the abandonment of the contract of Charles H. Moore and Company, on section two hundred and seven of the Erie canal enlargement, and if upon such investigation it shall appear to them that the contracting board, in declaring the said contract abandoned, did so without good and sufficient cause, then the said Charles H. Moore and Company shall be settled with and paid in full for the work done and materials furnished by them under said contract, according to the contract prices, the same as if the said contract had not been declared abandoned.

Sum allow-
ed to be
paid by
contractor

§ 2. The treasurer shall pay, on the warrant of the auditor, to said Charles H. Moore and Company, such sum as shall be estimated or allowed under the preceding section, out of any moneys which are or may be applicable to the Erie canal enlargement, not otherwise appropriated.

NEW TOWNS ERECTED OR BOUNDARIES ALTERED BY THE BOARD OF SUPERVI- SORS.

Chap. 514.

AN ACT to alter the town line between the towns of Morris and Pittsfield, in the County of Otsego, by the Board of Supervisors thereof.

Passed November 17, 1858; two-thirds of all the members elected to such board voting in its favor.

Whereas, An application has been made to this board, subscribed by at least twelve freeholders of the town of Morris, and also subscribed by at least twelve freeholders of the town of Pittsfield, and this board having been furnished with a map and survey of the said towns to be affected thereby, showing the proposed alteration; and whereas, it appears by evidence furnished to this board that a notice of said intended application, subscribed by at least twelve freeholders of the towns thereby affected, was duly published in three of the newspapers published in said county, at least once in each week, for six weeks successively, immediately preceding said application, and that the like notices were posted in at least five of the most public places in each of the towns thereby affected, for four weeks next preceding said application; therefore

The board of supervisors of the county of Otsego, do enact as follows:

SECTION 1. The town line between the towns of Morris and Pittsfield, in said county is hereby altered by commencing on the south line of said town of Pittsfield, and on the west line of lot number sixty, in the Hillington tract, and running thence northerly along the west

line of said lot number sixty, to the northwest corner thereof; thence easterly along the north lines of lots number sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five and sixty-six, in the said Hillington tract, to the west line of lot number eighty-eight in the same tract; thence northerly along the west line of said lot number eighty-eight, to the north west corner thereof; thence easterly along the north line of lots number eighty-eight, ninety-one and ninety-two, to the west line of the town of New Lisbon. All the territory lying south of the line above described, and which now forms a part of the said town of Pittsfield, is hereby annexed to the said town of Morris and shall hereafter form a part thereof.

§2. This act shall take effect on the fifteenth day of February, eighteen hundred and fifty-nine; but nothing herein contained shall in any manner affect the authority of the collector of the town of Pittsfield, as the same has heretofore existed, for the current year; nor in any manner to affect or impair the power or authority of any town officer of the said town of Pittsfield, except as provided by statute.

M. B. ANGELL, *Clerk.*

I, Marias B. Angell, clerk of the board of supervisors of Otsego county, do certify that the above is a true copy of an act passed by the board of supervisors of Otsego county, on the seventeenth day of November, eighteen hundred and fifty-eight, two-thirds of all the members elected to said board voting in its favor; and that the accompanying map is a copy of the one presented to said board with the application for the alteration of said town line.

M. B. ANGELL, *Clerk.*

Chap. 515.

AN ACT to erect the town of Indian Lake, in the County of Hamilton, from parts of the towns of Long Lake, Gilman and Wells, and to annex parts of the towns of Lake Pleasant and Gilman to the town of Wells.

Passed November 13, 1858; two-thirds of all the members elected to the board of supervisors of said county, voting in its favor.

§ 1. Beginning at a point on the county line between the counties of Hamilton and Warren, where said line crosses the south line of township number fifteen, in Totten and Crossfield's purchase; thence south sixty degrees west on said line, to the township line of township number thirty-one, in said purchase; thence north thirty degrees west, to the corner of township number thirty-one and thirty-two, in said purchase; thence in a right line such course as will touch the northwest corner of township thirty-two, in said purchase, and the southwest corner of township thirty-three, also in said purchase, and running so far as to reach the center of the now town of Gilman; thence north in the center of said town until the last mentioned course touches the south line of township number nineteen; thence north ten degrees east, on said south line of township number nineteen, until it touches the now town line of Gilman and Wells; thence on said town line in a north course to the town of Long Lake; thence south thirty degrees east, on the line of township twenty, in said purchase, to the north line of the third tier of lots of said township twenty; thence north sixty degrees east, until it touches the county line between the counties of Essex and Hamilton; thence south on the county line between the counties of Essex, Hamilton and Warren, to the place of beginning, to be known by the town of Indian Lake, all of the above described lands lying in Totten and Crossfield's purchase.

§ 2. All that part of Gilman and Lake Pleasant included in the following bounds, is hereby annexed to the town of Wells, beginning on the town line between the

towns of Gilman and Wells, at such a point that a line drawn south sixty degrees west, that the same shall touch the corners of lots number one and two, of the Oxbow tract; thence west between lots one, two, nine, ten, eleven and twelve, and to continue on said west course until said line touches the town of Arrietta; thence south to the northwest corner of the town of Hope; thence east to the town of Wells, all of which is hereby annexed to the town of Wells.

§ 3. The first town meeting shall be held in the town of Indian Lake, at the house of Gideon G. Porter, on the first Tuesday of February next, eighteen hundred and fifty-nine, and thereafter on the same day that annual town meetings of the several towns in the said county of Hamilton are held, and at such places in said town as a majority of the electors thereof shall from time to time designate in pursuance of law.

§ 4. Milo Washburne, Willard W. Locke and Gideon G. Porter, shall preside at the first town meeting in said town of Indian Lake, and shall possess power to appoint a clerk, open and keep the polls and exercise the same powers as justices of the peace when presiding at town meetings, and in case they, or either of them, neglect or refuse to serve, the electors of said town, when so assembled at the time and place specified in the foregoing section of this act, shall have the power to substitute some elector of said town for each one so neglecting or refusing to serve.

§ 5. This act shall take effect immediately; but nothing herein contained shall in any manner affect the authority of the collectors of the towns of Gilman or Wells, as the same have heretofore existed for the current year, nor in any manner to affect or impair the power or authority of any town officer of the said towns of Gilman and Wells, or either of them, within the limits aforesaid, until after the election and qualification of officers of the said town of Indian Lake, at the election hereinbefore provided for, or during the term of office for which any such officer shall have been elected.

I certify that the above is a true copy of an act, passed by the board of supervisors, at their annual session in

November, one thousand eight hundred and fifty-eight, in the county of Hamilton.

J. H. HORSEFALL, *Chairman.*

C. H. BRONNELL, *Clerk.*

Chap. 516.

IN THE BOARD OF SUPERVISORS, CATTARAUGUS COUNTY,
NOVEMBER 11th, 1858.

AN ACT to change the boundary line between the towns of Ellicottville and East Otto in the county of Cattaraugus.

Passed November 11, 1858; two-thirds of all the members elected to said board voting in favor of the same.

The board of supervisors of the county of Cattaraugus, do enact as follows:

SECTION 1. All that part of the town of Ellicottville, known as lots numbers forty-nine, fifty, fifty-one, fifty-seven, fifty-eight and fifty-nine, in township number five, in the sixth range of townships of the Holland Land Company's survey, shall hereafter constitute and form a part of the town of East Otto, in the county of Cattaraugus, and the south bounds of said lots numbered forty-nine and fifty-seven, and the east bounds of said lots, number forty-nine, fifty and fifty-one, shall be the boundary line between said towns.

§ 2. The taxes assessed upon the real and personal estate situated in said territory, for the year eighteen hundred and fifty-eight, shall be levied and collected in the town of Ellicottville, in the same manner as if this act had not been passed.

§ 3. This act shall take effect immediately.

The chair put the question thereon, and the clerk called the roll of members, who voted as follows, to wit: in the affirmative, Messrs. Remington, Boardman, J. W. Darling, Holdridge, Nash, Perry, Lang, Baker, Searl, Leeland, Guthrie, Burlingame, Peabody, Smith, Vander-

water, Marsh, J. P. Darling, Morris, McIntosh, Brown, Jenks, Warner, Daily—23.

In the negative, Messrs. Couchman, Nichols, Rice, Jamerson, Cross, Castin, Tucker, Dow—8.

The chair declared the bill passed.

We, the chairman and clerk of the board of supervisors of Cattaraugus county, do hereby certify that the foregoing is a true copy of an act passed by the said board at their annual session held at Ellicottville.

November 11th, 1858.

A. G. RICE, *Chairman.*

GEO. A. S. CROOKER, *Clerk.*

Chap. 517.

AN ACT to erect the town of Cuyler in the county of Cortland.

Passed by the board of supervisors thereof, November 18, 1858; two-thirds of all the members elected to such board voting in its favor.

SECTION 1. All that part of the town of Truxton, in said county of Cortland, lying and being east of a line commencing at the northeast corner of military lot number fifty-four of said town, on the north line of said town and running thence south on the east line of the military lots numbers fifty-four, sixty-four and seventy-four, to the northeast corner of military lot number eighty-four; thence east on the north line of military lot number eighty-five to the northeast corner of the same; thence south on the east line of military lots numbers eighty-five, ninety-five and five to the northeast corner of military lot number fifteen; thence east on the north line of military lot number sixteen to the northeast corner of the same; thence south on the east line of military lots numbers sixteen, twenty-six and thirty-six to the south line of said town, is hereby erected into a separate and new town, to be hereafter known and distinguished by the name of "Cuyler."

§ 2. All the remaining part of said town of Truxton shall be and remain a separate town, by the name of

"Truxton," and the next town meeting held in said town of Truxton, shall be held at the house of John A. Hills, in said town.

§ 3. The first annual town meeting in the said town of Cuyler, hereby erected, shall be held at the house of Amaziah Parker, in said town, on the fifteenth day of February, eighteen hundred and fifty-nine, and Silas Blanchard, William Blanchard and Mustapha Matthewson, are hereby appointed to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as justices of the peace, when presiding at town meetings.

§ 4. Nothing in this act shall affect the validity of any tax or assessment imposed previous to the passage of this act, nor the rights, powers or duties of any collector of such taxes or assessments in the towns of Truxton and Cuyler.

BOARD OF SUPERVISORS, }
Cortland county, } ss:

We have compared the above with the original act passed by the board of supervisors of said county, and do certify that the same is a correct transcript therefrom and the whole of such original, and that the map hereunto annexed is a correct copy of one presented to said board with the application for the erection of said town of Cuyler.

In witness whereof we have hereunto set our hands this ninth day of December, A. D., eighteen hundred and fifty-eight.

GILES CHITTENDEN, *Chairman.*

JOSEPH ATWATER, *Clerk.*



CONCURRENT RESOLUTIONS
OF THE
SENATE AND ASSEMBLY.

CONCURRENT RESOLUTIONS RELATIVE TO MEMORIAL OF CANAL BOARD TO CONGRESS.

Resolved, (if the assembly concur herein), That the legislature of New York fully approve the memorial presented to the congress of the United States, by the canal board requesting payment of the moneys advanced from the canal revenues of the state, for the construction of the breakwater in the harbor of Buffalo, and the memorial of the canal commissioners petitioning the general government to enlarge, improve and protect all the harbors on the chain of lakes serving as ports of shipment for property destined for the canals of this state.

Resolved, That the governor be respectfully requested to transmit copies of said memorial and the preceding resolution, to the senators and representatives in congress from this state, with the request of the legislature that they will advocate the passage of the laws necessary to secure the objects sought by said memorial, and also to transmit copies thereof, and of these resolutions, to the governors of the states adjacent to the lakes or interested in their commerce and navigation.

STATE OF NEW YORK, }
IN SENATE, *January 21, 1869,* }

The foregoing resolutions were duly passed.

By order,

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *January 26, 1869.* }

The foregoing resolutions were duly passed.

By order,

WM. RICHARDSON, *Clerk.*

CONCURRENT RESOLUTIONS IN RELATION TO AN INCREASE OF UNITED STATES POST- AGE.

Resolved (if the assembly concur), That the people of this state are opposed to any increase of the present rates of postage, and that the representatives from this state, in congress, will promote the best interests of the state by refusing to support any law providing for such increase.

STATE OF NEW YORK, }
IN SENATE, *January 21, 1859.* }

The foregoing resolution was duly passed.

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *January 31, 1859.* }

The foregoing resolution was duly passed.

WM. RICHARDSON, *Clerk.*

CONCURRENT RESOLUTIONS TO AMEND THE CONSTITUTION RELATIVE TO THE JUDI- CIARY OF THE STATE.

Resolved (if the assembly concur), That the following amendments be proposed to the constitution of this state:

From and after the third Tuesday of June, eighteen hundred and sixty, the court of appeals shall consist of six judges, to be chosen by the electors of this state. The four judges who may then be in office by previous election or appointment, shall continue to hold until the expiration of their respective terms. On the third Tuesday of May, eighteen hundred and sixty, an election shall be held, at which two judges of said court shall be chosen, whose terms shall commence on the third Tuesday of June, eighteen hundred and sixty. The term of one of them shall expire in nine years from the thirty-first day of December following, and of the other in eleven years from the same time. At the general election in the year eighteen hundred and sixty-one, and in every second year thereafter, unless the legislature shall

by law appoint a different day, one judge of said court shall be chosen for a term of twelve years from and after the thirty-first day of December, next after such election. Four judges shall constitute a quorum. In case of the absence or inability to serve, of any judge or judges, the governor may appoint one or more justices of the supreme court to serve for the time being.

Section seven of article six of the constitution is hereby abrogated, and the following provision substituted :

The judges of the court of appeals and the justices of the supreme court shall receive, at stated times, for their services, a compensation, to be established by law, and which shall not be increased or diminished at less intervals than once in six years ; the provision made for such compensation, by act of the legislature, in the year eighteen hundred and fifty-seven, shall apply to judges and justices then in office, as well as those thereafter elected or appointed, and the same shall be deemed to have taken effect accordingly from the first day of January, eighteen hundred and fifty-eight.

Section fourteen of article six of the constitution is amended as follows :

The county court shall have such original and appellate jurisdiction as the legislature may prescribe.

Resolved (if the assembly concur), That the foregoing amendments be referred to the legislature to be chosen at the next general election of senators, and that the same be published for three months prior to such election, pursuant to section one of article thirteen of the constitution.

STATE OF NEW YORK, }
IN SENATE, *February 10, 1859.* }

The foregoing resolutions were duly passed.

By order of the Senate,

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *March 19, 1859.* }

The foregoing resolutions were duly passed.

By order of the Assembly,

WM. RICHARDSON, *Clerk.*

CONCURRENT RESOLUTIONS IN RELATION TO
BOOKS FOR COPYRIGHT.

Resolved (if the assembly concur), That our senators and representatives in congress be requested to urge the passage of a law by which books for copyright in the southern district of this state may be deposited of record in the library of the New York State Historical Society, and those in the northern district, in the state library.

Resolved, That the governor be requested to transmit this resolution to our senators and representatives at the opening of the next session of congress.

STATE OF NEW YORK, }
IN SENATE, *March 10, 1859.* }

The foregoing resolutions were duly passed.

By order,

—
S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *April 12, 1859.* }

The foregoing resolutions were duly passed.

By order of the Assembly,

WM. RICHARDSON, *Clerk.*

CONCURRENT RESOLUTIONS IN RELATION
TO COMMISSIONERS TO EXAMINE PUBLIC
ACCOUNTS.

STATE OF NEW YORK, }
IN ASSEMBLY, ALBANY, *March 19, 1859.* }

Resolved (if the senate concur), That the concurrent resolutions in relation to commissioners to examine public accounts, passed April 14, 1858, be, and the same are hereby rescinded.

By order,

WM. RICHARDSON, *Clerk.*

IN SENATE, }
April 16, 1859. }

Passed without amendment.

By order,

S. P. ALLEN, *Clerk*

**CONCURRENT RESOLUTIONS AMENDING THE
CONSTITUTION SO AS TO ABOLISH THE PRO-
PERTY QUALIFICATION.**

Resolved (if the senate concur), That section one of article two of the constitution of this state be amended by striking out the following words: "But no man of color, unless he shall have been for three years a citizen of this state, and for one year next preceding any election, shall have been seized and possessed of a freehold estate, of the value of two hundred and fifty dollars, over and above all debts and encumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation, unless he shall be seized and possessed of such real estate as aforesaid."

Resolved (if the senate concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators, and that in conformity to section one of article thirteen of the constitution, it be published for three months previous to the time of such election.

STATE OF NEW YORK, }
IN ASSEMBLY, *March 23, 1859.* }

The foregoing resolutions were duly passed.

By order,

WM. RICHARDSON, *Clerk.*

STATE OF NEW YORK, }
IN SENATE, *April 8, 1859.* }

The foregoing resolutions were duly passed.

By order,

S. P. ALLEN, *Clerk.*

CONCURRENT RESOLUTIONS RELATING TO A REDUCTION OF CANAL TOLLS.

Resolved (if the assembly concur), That the legislature concur with the canal board in the reduction of tolls on the articles of property named in the resolution of that board, dated April first, eighteen hundred and fifty-nine, when the same is transported on the canals of this state.

STATE OF NEW YORK, }
IN SENATE, *April 6, 1859.* }

The foregoing resolution was duly passed.

By order of the Senate,

— S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, }
IN ASSEMBLY, *April 7, 1859.* }

The foregoing resolution was duly concurred in.

By order of the Assembly,

WM. RICHARDSON, *Clerk.*

CONCURRENT RESOLUTIONS IN RELATION TO THE REOPENING OF THE SLAVE TRADE.

STATE OF NEW YORK, }
IN ASSEMBLY, *April 12, 1859.* }

Resolved (if the senate concur), That this legislature and the citizens of this state, look with surprise, mortification and detestation upon the virtual reopening, within the federal union, of the slave trade; that against this invasion of our laws, our feelings, and the dictates of christianity, we solemnly protest here, as we will protest elsewhere, and especially at the ballot-box; that we call upon the citizens of this Union, to make common cause, in the name of religion, humanity, and as friends of principles underlying our system of government, to unite in bringing to immediate arrest and punishment, all persons engaged in the unlawful and wicked slave trade, and hereby instruct our senators and representatives in congress to exert all lawful powers for the immediate suppression of the infamous traffic.

Resolved, (if the Senate concur), That the executive of this state be required to transmit a copy of this resolution to the legislatures of the several states of the Union, and earnestly request their coöperation in arresting this great wickedness.

By order of the Assembly,

WM. RICHARDSON, *Clerk*.

IN SENATE,
April 18, 1859. }

Concurred in without amendment.

By order,

S. P. ALLEN, *Clerk*.

CONCURRENT RESOLUTIONS IN RELATION TO COMMISSIONERS OF RECORD FOR THE CITY AND COUNTY OF NEW YORK.

STATE OF NEW YORK, }
IN ASSEMBLY, ALBANY, April 15, 1859. }

Resolved (if the senate concur), That the commissioners of record for the city and county of New York, appointed by an act passed April 13, 1855, be and hereby are directed to cause one copy of the records, documents, maps and indices in the form and to the extent printed by them, in accordance with the said act, to be deposited forthwith in the state library, and one copy of the same in the office of the secretary of state, at Albany; also, to cause to be likewise deposited, a like copy of all such records, documents, maps and indices, which said commissioners may hereafter print, or cause to be printed as aforesaid; also, that the clerk of the assembly be directed to furnish said commissioners of record with a copy of this resolution.

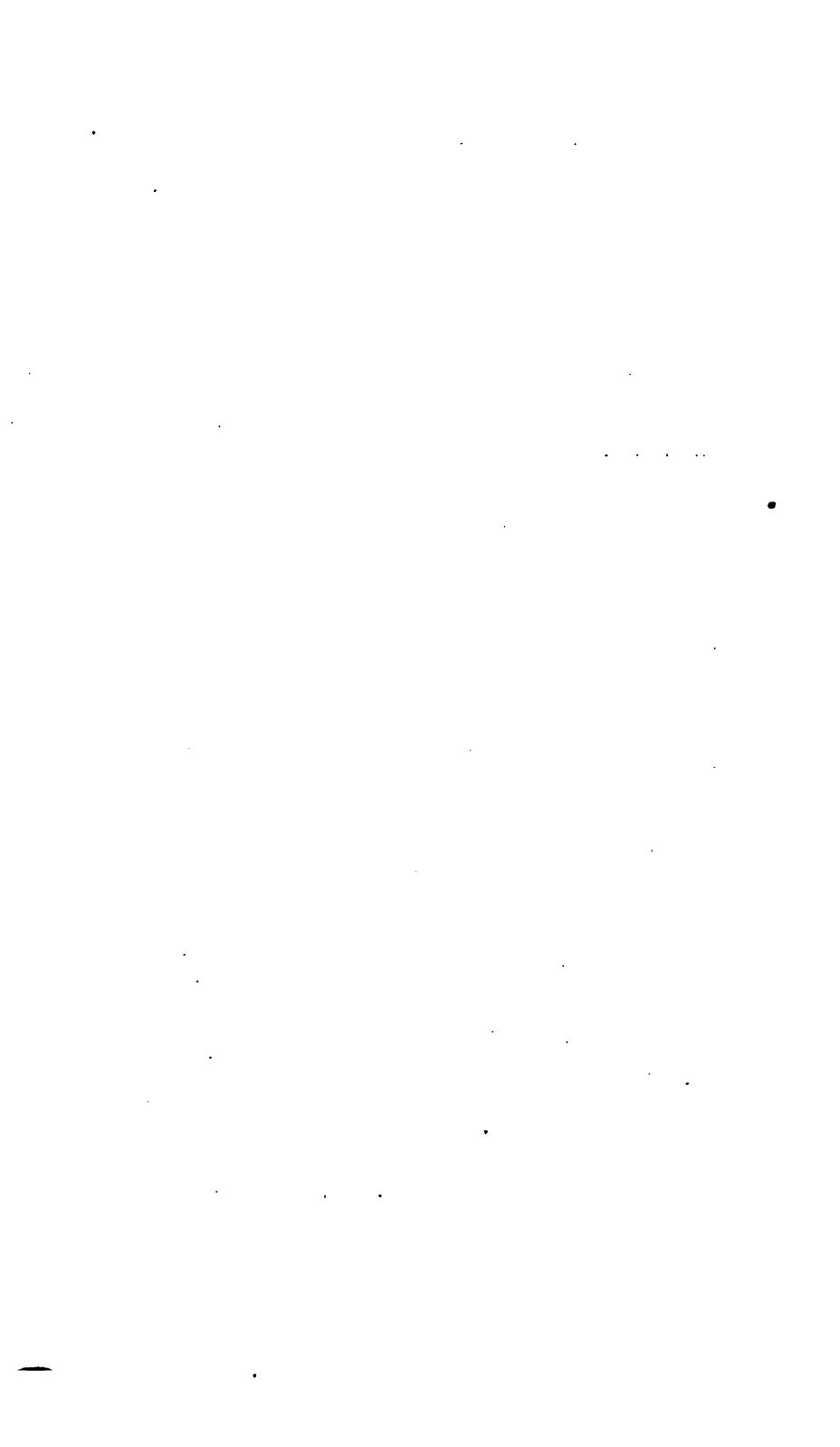
By order,

WM. RICHARDSON, *Clerk*.

IN SENATE,
April 15, 1859. }

Passed without amendment.

S. P. ALLEN, *Clerk*.



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